

The University of Chicago

THE DEVELOPMENT OF CENTRALIZING
TENDENCIES IN EDUCATIONAL
ORGANIZATION AND ADMIN-
ISTRATION IN UTAH

A DISSERTATION SUBMITTED TO THE FACULTY
OF THE DIVISION OF THE SOCIAL SCIENCES
IN CANDIDACY FOR THE DEGREE OF DOCTOR
OF PHILOSOPHY

DEPARTMENT OF EDUCATION
1940

By
JOHN CLIFTON MOFFITT

Private Edition, Distributed by
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J. C. M.

TABLE OF CONTENTS

	Page
LIST OF TABLES	vi
LIST OF FIGURES.	vii
Chapter	
I. INTRODUCTION	1
Present School Organization of Education in Utah Statement of the Problem Sources of Data	
II. THE BACKGROUND OF THE MORMON VILLAGE SCHOOLS . .	3
The First Mormon Schools Education and the Mormon Theology Civil, Social and Religious Control in Early Utah The First Schools in Utah Extending the Utah Colonies Co-operatives Among the Colonists Religious Homogeneity Social Life Private-Venture Schools in Early Utah History Factors that Developed Village Life Building Cities--A Religious Duty Utah Colonization Provided for Central Schools Summary	
III. CENTRALIZATION OF EDUCATION THROUGH UNIVERSITY CONTROL	22
The Beginning and Purpose of the "Parent School" of the University Religious Influence in the Parent School Educational Leadership of the University Regents Educational Control Through a Regency Appointed Superintendent The University of Deseret Discontinued as a School University of Deseret Origin and Development Educational Control Through University Teacher Training Summary	

Chapter	Page
IV. EVOLUTION OF CONSOLIDATION OF SCHOOLS WITHIN THE COUNTY	39
The Small School District in Utah	
Problems of the Small District Led toward Consolidation	
City Consolidation Becomes Mandatory	
The First State Superintendent and County Consolidation	
Other Superintendents and Leading Citizens Carry on the Issue for Consolidation	
The Influence of the High School Movement toward Consolidation	
The Administration of the Local Unit of School Control Since Consolidation	
Consolidation of Schools by Local and State Boards of Education	
Early Evaluations of Consolidation	
Summary	
V. THE COUNTY AS A UNIT IN CENTRAL CONTROL OF EDUCATION.	68
The County Civil Government as an Agency in School Organization	
County Government Aids Toward School Consolidation	
The Professional Development of the County Superintendent	
The County Superintendent and High School Consolidation	
The County Superintendent and County Consolidation of Schools	
The County Superintendent and the School Law	
Possibilities of Increased Consolidation in Utah	
Summary	
VI. EXPANSION OF CONTROL WITHIN THE STATE BOARD OF EDUCATION	84
Legal Basis of the Board	
Trends toward State Control of Teacher Certification	
State Board Control of the High School	
Other State Funds	
The State Board and the Legislature	
The State Board of Education and Junior College Control	
Vocational Education and the State Board of Education	
Increased Centralization Resulting from Functions of the State School Staff	
State Board of Education Changes in Personnel	
Summary	

Chapter		Page
VII.	LEADERSHIP OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION	103
	Beginning developments of Territorial Superintendents	
	Methods of Election and Appointment	
	Development of Legal Duties	
	The Superintendents' State Conventions	
	The State Program of Supervision	
	Summary	
VIII.	THE TRANSFER OF SCHOOL COSTS TO STATE AND COUNTY SOURCES	118
	First Local Financial Support of Education	
	County Superintendent and Superintendent of Common Schools Administer School Finance	
	Early Territorial Aid to Education	
	The County as a Larger Unit Began Financial Assistance	
	Attitude of Governors toward School Taxation	
	Functions of the County in School Finance	
	Basic State Funds to Education	
	Minimum Standards	
	The State High School Fund	
	The "Twenty-five Dollar Per Capita" State Fund	
	The State Equalization Fund	
	The Uniform School Fund	
	Summary	
IX.	SUMMARY AND CONCLUSIONS	144
	BIBLIOGRAPHY.	151



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LIST OF TABLES

Table	Page
1. Trends in Growth in Early Utah Schools	41
2. Trends in High School Growth in Utah over a Twenty Year Period	53
3. Development of State School Funds in Utah since 1915	141

LIST OF FIGURES

Figure	Page
1. State Superintendent's Conception of the Organization of the State Department of Public Instruction	97

CHAPTER I

INTRODUCTION

Organization and administration of education in the United States have developed without direction from any central agency. State constitutions and statutes give legal basis for the public schools of the individual states, and each state has established the particular school organization of its choice. The result is that a variety of state organizations and methods of administration have developed. Certain states have highly centralized state control and direction in which the state serves as a unit for major features of the educational program. At the other extreme, some states have thousands of small school districts, with relatively little control from either the state or a major sub-division thereof. In between these extremes are those states having different degrees of central control and direction.

Students of education are not agreed concerning the most desirable size of unit for school administration. There is general agreement, however, that the very small rural school as it exists in many parts of the country is not sufficiently large to provide an adequate educational program. This small unit is expensive, usually exists without expert supervision, frequently is without adequate supplies and equipment, and is often taught by a teacher with a minimum of professional training and experience. The tendency during recent years has been to decrease the number of school districts, but approximately 127,000 yet exist throughout the nation. Educational experience has proved that once the small school district has become thoroughly established it is a difficult task to displace it by consolidating a number of these small districts into one.

Present School Organization of Education in Utah

Utah has forty school districts. Five of this number are city school organizations. The remaining thirty-five are in the

twenty-nine counties of the state. Twenty-four counties have school district boundary lines coterminous with the county exclusive of city districts, and five counties have more than one school district, exclusive of city schools. For twenty-five years Utah has had county school organization. A state board of education has constitutional and statutory general supervision of the public schools.

Statement of the Problem

During the historical development of Utah certain agencies have exerted a strong influence for centralized control of education. The unique program of colonization of Utah was such that village or town graded schools, rather than the extremely small rural schools, have existed from an early date. Over the period of time of Utah's educational history the territory and thence the state has gradually increased its financial support of education with simultaneous increased control from the state board of education and subsidiary officers.

The problem of study for this thesis has been to analyze those agencies and forces that have influenced the development of centralized control of education. The tendency toward centralization, both in the state as a whole and the sub-divisions thereof, has existed in varied degrees at various times. The study is historical in its nature and attempts to analyze significant changes in the various centralizing tendencies as they have taken place.

The apparent interest which exists on the part of students of education in the problem of increasing the size of the unit in educational organization and administration justifies this study.

Sources of Data

The principal sources of data have been the legislative acts of the Territory and the State, the various reports written by the Territorial and State school superintendents, and journals of the legislative sessions, messages of the various governors, the "Journal of History" and other church documents of the Mormon Church, the Deseret News (a newspaper beginning in 1850), minutes and other documents of the State Board of Education, and the Utah Educational Review. Other minor sources are included and credit is given when used.

CHAPTER II

THE BACKGROUND OF THE MORMON VILLAGE SCHOOLS

The Mormons in Utah developed a system of church government that established a line of authority from Brigham Young downward. The maintenance of this government was a phase of their theology. Civil government existed only as it was a part of church government. No Mormon colony was so far removed from the headquarters of the church that it was independent in its own control. Under such a government diverse school organizations independent within themselves were impossible. Probably no group of American people has had more highly centralized control than have the Mormons in early Utah.

Education, then, can be understood only as it is analyzed in its relation to the historical background of the colonial life of the religious people who were the pioneer founders of the state. Something of their religious objectives, their motives for coming hundreds of miles westward from the inhabited border of the American frontier, their peculiar and compact ecclesiastical organization with its own ideology, the plan of their geographical church control, and their ideals of educational experience, must be analyzed, for these essentially determined their educational organization and administration during the first decades of Utah school history.

The First Mormon Schools

Shortly after the Church came into existence in 1830 it began a system of organized proselyting. Male members of the new denomination needed to be instructed both in general education and in the theological doctrine they were to teach. This necessitated the establishment of an educational program that would train those who were to participate in the ministry. Schools for this purpose, therefore, were provided. At first, both children and adults were admitted, but the schools were so well attended that children were soon excluded to accommodate those who were to

serve as advocates of the new religion.¹

In February, 1833, less than three years after the Church was founded, Joseph Smith organized the School of the Prophets in Kirtland, Ohio. This school was conducted as a regular day school during the winter.² Other schools were soon organized to train those who were to participate in the religious teachings. One of the Church historians says:

During the month of January, 1835, Joseph was engaged in the school of the Elders. . . . During the winter the school, which was held in the lower story of the printing office building was well attended, and with the lectures on theology, which were regularly delivered, absorbed for the time being everything else of a temporal nature.

. . . . The following spring (1835) Wm. E. McLellin, one of the principal teachers of the school, said in his report: 'The school has been conducted under the immediate care and inspection of Joseph Smith Junior, Frederick G. Williams, Sidney Rigdon and Oliver Cowdery, trustees. When the school first commenced, we received into it both large and small; but in about three weeks the classes became so large, and the house so crowded, that it was thought advisable to dismiss all the small students, and continue those only who wished to study the sciences of penmanship, arithmetic, English grammar geography. Before we dismissed the small scholars, there were in all about one hundred and thirty who attended, since that time there have been upon an average, about one hundred.'³

The school referred to was a full time day school. Approximately one-half day was devoted to the study of geography and much of the remaining time to English grammar and penmanship.⁴ Considerable interest existed among the Mormon leaders, and especially on the part of Joseph Smith, in the study of languages. The historian says, "Joseph had a great taste for languages. What time he had to spare he spent acquiring them. He studied Greek, and during the winter of 1835-36 a Hebrew school was established in Kirtland."⁵

The unpopularity of the Mormon theology tended to isolate church members from other religious and social groups. This isolation made it necessary for the Church to provide some means of education. Moreover, from the outset it was evident that a social and religious solidarity would be necessary for the perpetuation of the Church. Under such conditions, education would serve to

¹Deseret News, December 27, 1851.

²Andrew Jensen, The Historical Record, Vol. VII (1888), p. 407.

³Ibid., p. 418.

⁴Ibid.

⁵Jensen, op. cit., p. 426.

increase this desired objective.

When the Mormon Church was ten years old, and after its membership had been driven from place to place, temporary settlement was made at Nauvoo, Illinois. Here a complete and compact organization of education was effected, with the University of the City of Nauvoo acting as the supervisory and administrative head of the entire school organization.

As the Mormons moved from place to place preceding their coming to Utah, and during the time of their exodus, schools were established, even though their homes were very temporary. One writer says, "In 1846, after the exodus from Nauvoo, . . . schools were established in the temporary settlements of Garden Grove, Mt. Pisgah, and subsequently in some forty settlements in Pottawatomie County, Iowa" ⁶ The same writer declares: "Whenever a sufficient number settled in one place for even a few weeks a school was started." ⁷

The "Journal of History," ⁸ which contains an extensive and detailed account of the affairs of the Church, contains many references to schools. On December 13, 1846, Brigham Young gave instruction to the Bishops to establish schools in all Wards (of the Church). ⁹ Later in the same month the "Journal" records, "Several schools for children have been started in camp within the last ten days." ¹⁰

Education and the Mormon Theology

Mormon theology contains many promises as a reward for learning. Promises to the faithful are frequently enumerated, such as "receiving increased knowledge and wisdom." Some of their common doctrines are the following:

Seek not for riches but for wisdom. ¹¹

⁶Richard R. Lyman, "Ideals and Early Achievements of the Church in Education," Improvement Era, April, 1930, pp. 394-97.

⁷Ibid., p. 394.

⁸"Journal of History" is in manuscript form, consisting of many volumes of reports, letters and records of the Mormon Church. It is in the Church Library at Salt Lake City.

⁹"Journal of History," MS, Church Library, Salt Lake City, Utah.

¹⁰Ibid.

¹¹Doctrine and Covenants, sec. 11-7.

Seek ye diligently and teach one another words of wisdom; yea, seek ye out of the best books words of wisdom; seek learning even by study, and also by faith.¹²

He that keepeth his commandments receiveth truth and light, until he is glorified in truth and knoweth all things.¹³

The glory of God is intelligence.¹⁴

Whatever principles of intelligence we attain unto in this life, it will rise with us in the resurrection;

And if a person gains more knowledge and intelligence in this life through diligence and obedience than another, he will have so much the advantage in the world to come.¹⁵

It is impossible for a man to be saved in ignorance.¹⁶

These religious concepts greatly influenced the effort expended for education in the early history of the Mormon Church.

Civil, Social and Religious Control in Early Utah

Brigham Young won renown as a leader of a pioneer people in a new colonizing project. He was a dominant character and had unusual ability in organizing his people and in dealing with the many problems that arose in the establishment of the early colonies. One student says, "The Mormon Settlement of the Great West under the direction of President Brigham Young was the most successful, thoroughly organized and systematically executed colonizing project in American frontier history. Few, if any, other colonizing projects in the history of the world equal it."¹⁷

The only government in the earliest Utah history was that of the Church, for all of the people were a part of this organization. Social, educational, and civic affairs were not separated from Church administration. It was religion that had brought these colonists to Utah. It was religion that held them in organized units throughout their entire period of colonization. After a provisional government was established little difference existed between civil and ecclesiastical functions. Brigham Young, who was President of the Church, was the governor, and other Church officials held the subsidiary civil offices.

¹²Ibid., sec. 88-118.

¹³Ibid., sec. 93-28.

¹⁴Ibid., sec. 93-36.

¹⁵Ibid., sec. 130-18, 19.

¹⁶Ibid., sec. 131-6.

¹⁷Milton R. Hunter, "Brigham Young, the Colonizer," p. 466. Unpublished Dissertation, University of California, 1935.

The male population of these early colonists frequently met in council for consultation. Leadership among the colonies was both dictatorial and democratic in its policy-forming procedures. The frequency of meeting together to renew plans and procedures kept the group working for common objectives. The perpetuation of the Mormon Conference, wherein at least twice a year the entire membership was invited to meet and renew common purposes, had a major psychological effect in maintaining distinct Church organization and a common understanding of and action toward Church objectives.

Although the pioneers of Utah arrived at different times and soon became organized into different colonies, located frequently long distances from each other and connected with cumbersome means of transportation and communication, Brigham Young never lost contact with them. Frequently he would write an "Epistle of the First Presidency of the Church from the Great Salt Lake Valley to the Saints scattered throughout the earth."¹⁸ Moreover, Brigham Young and other leaders of the Mormon Church spent much time in traveling from colony to colony and thereby strengthened their status as leaders and increased the solidarity of the Church.

The First Schools in Utah

The first Mormon pioneers entered Salt Lake Valley July 24, 1847. In October of the same year Mary Jane Dilworth began teaching a group of children in a military tent used for a schoolhouse.¹⁹ Later on in the autumn of the same year Julian Moses established a school, teaching "courses in General History and Latin, as well as all the common branches."²⁰

As a part of general instruction to the Church membership during their westward migration Brigham Young admonished his people to provide themselves with those supplies needed for educational purposes. One injunction is as follows:

It is very desirable that all the Saints should improve

¹⁸Millennial Star, Vol. XI. Published by Orson Pratt, Liverpool, London, 1849. Pp. 227-32.

¹⁹Levi Edgar Young, "Utah's First School," Utah Educational Review, Vol. XII, November, 1917, p. 6.

²⁰Ibid., p. 7.

every opportunity of securing at least a copy of every valuable treatise on education--every book, chart or diagram that may contain interesting, useful, and attractive matter, to gain the attention of children, and cause them to love to learn to read; and also every historical, mathematical, philosophical, geographical, geological, astronomical, scientific, practical, and all other variety of useful and interesting writings, maps, etc. . . . from which important and interesting matter may be gleaned to compile the most valuable works in every science and subject, for the benefit of the rising generation. We have a printing press, and any one who can take good printing or writing paper to the [Salt Lake] valley will be blessing themselves and the Church. We also want all kinds of mathematical instruments, together with all rare specimens of natural curiosities and works of art that can be gathered.²¹

This same historian says,

It is safe to say that every family that came to Utah in early days had carefully stored away in their wagon a box of books of some kind.²²

Extending the Utah Colonies

Almost immediately after the first pioneers arrived in Salt Lake Valley and the first city was platted, an extension of the colonizing plan began. The common procedure was to hold a "council" of the men, call for volunteers, and otherwise designate individuals who would first go and investigate the soil, water, and other natural resources of some particular area. Should the report of the exploring party be favorable, a larger group consisting of entire families, would be "called" to go and establish a new "settlement." Care was taken to make sure that each colony had with it the necessary skilled workmen. Agriculture was the basic industry, but gristmills, sawmills, tanneries, foundries and other industries were early established in many of the communities. Occasionally forts were built for protection from the Indians, but as soon as possible the village, or town as they called it, outside the fort was surveyed and inhabited.

The plan of colonization soon extended from Salt Lake City to many other localities. In addition to Salt Lake four colonies were established in 1847, ten in 1848, eleven in 1849, seventeen in 1850, and fifteen in 1851.²³

²¹Levi Edgar Young, "Utah's First Text Books," Utah Educational Review, Vol. XII, December, 1917, p. 9.

²²Ibid., p. 9.

²³Hunter, op. cit.

The Mormon colony differed from other frontier settlements of the West and Mid-west in that the city or village was first surveyed and inhabited. Additional land for farming purposes was then surveyed outside of the city. In the case of Salt Lake City, this first land survey included eight thousand acres. It was platted in five and ten acre lots. Men desiring farm land cast lots for the various pieces of ground. It was agreed that "every man is to help to build a pole, ditch, or a stone fence as shall be most convenient around the whole field in proportion to the land he draws, also, a canal on the east for the purpose of irrigation."²⁴

Brigham Young had carefully planned the land economy; this was part of the Mormon theology. Less than two months after the arrival of the first settlers in Salt Lake Valley, he wrote a general "epistle" to the Church membership:

We have no land to sell to the Saints in the Great Basin, but you are entitled to as much as you can till, or as you need for your support, provided you pay the surveyor for his services, while he is laboring for you; and at a future day you will receive your inheritance on the farming lands as well as in city lots; and none of you have any land to buy or sell more than ourselves; for the inheritance is of the Lord, and we are his servants, to see that every one has his portion in due season.²⁵

Co-operatives Among the Colonists

One of the common characteristics that made the Mormon colony successful was their system of co-operation. The particular land economy necessitated group action. Brigham Young decreed:

It is desirable that the brethren unite their labors so as to enclose their farming lands in large tracts, every one fencing in proportion to the land he agrees to occupy; thus much land may be enclosed with little labor and more time can be had for tillage; every man can plow and sow as much as he pleases, and have his field to himself as though it were surrounded by his own fence.²⁶

At a later date Brigham Young wrote: "All these lots will

²⁴Millennial Star, Vol. XI. Edited by Orson Pratt, Liverpool, London, 1849.

²⁵"Latterday Saint Journal History," MS, Church Library, Salt Lake City, Utah, September 9, 1847.

²⁶Ibid.

be enclosed in one common fence, which will be seventeen miles and fifty-three rods long; eight feet high; and to the end that every man will be satisfied with his lot and prevent any hardness that might occur by any other method of dividing the land, we have proposed that it shall all be done by ballot, or casting lots."²⁷ Community farm fences were built, co-operative roads to the farm areas were constructed, and company irrigation canals were provided. Wherever problems of this nature existed, evidence indicates the work was done in a co-operative way by the group concerned. Frequently work was exchanged during cropping season or where skilled work was needed. This co-operative method was well established in business ventures by Brigham Young, and the "Co-op" merchandising method became prevalent in many of the cities and towns.²⁸

Concern for their fellow members extended beyond co-operation in work exchange and co-operatives in business. In some instances common storehouses were established, and the poorer people were provided with food and clothing.

Speaking to the colonists assembled in the spring of 1850, Brigham Young said, "There are hundreds of emigrants now coming here, destitute: I say to you, Latterday Saints, let no man go hungry from your doors, divide with them."²⁹

One record of those first years reports:

In consequence of the scanty harvest of 1848, breadstuffs and other provisions became very scarce in the valley in the summer of 1849, and many of the people were necessitated to eat raw hides, and to dig sego and thistle roots for months. . . . Those persons who had food imparted measurably to those who had none, so that extremity of suffering from hunger was avoided.³⁰

This same co-operative assistance was given to many who followed the first groups of settlers. Sunday, September 9, 1849, "President Young presented the subject of a 'perpetual fund' to gather the poor. The congregation voted that such a fund be in-

²⁷"Latterday Saint Journal History," MS, Church Library, Salt Lake City, Utah, October 9, 1848.

²⁸A. B. Olsen, "A History of Mormon Mercantile Co-operations in Utah." Unpublished Master's Thesis, Brigham Young University, Provo, Utah.

²⁹Deseret News, Vol. I (1850-51), p. 20.

³⁰Andrew Jensen, "History of Salt Lake Stake," MS, Church Library, Salt Lake City, Utah.

stituted."³¹ On October 6, 1849, a committee was organized to collect funds to assist in bringing the poor to Salt Lake Valley. The amount of money borrowed was later returned with interest and reloaned to others. This fund remained intact for some time and assisted many to get to the Utah Valleys. The activities of incorporation signify that the intent was to make of it a permanent fund until all who had need of it had arrived in the West.³²

Even greater than these methods of co-operation was the "United Order," which the Church advocated, and in certain instances inaugurated. In this co-operative system each member was to contribute in keeping with his ability for the common good of the entire group. This order existed at varying degrees for a period of time in different communities.³³ All of these inventions of co-operative interest and effort were basic in building and maintaining the particular community life found in the Mormon colonies.

Common suffering from drouth, crickets destroying the crops, and other natural hardships that were inevitable in pioneering a country such as this, contributed to the social solidarity of the individual communities and the colonies as a whole.

Religious Homogeneity

The single great motive of the Utah pioneers was the right to worship as they pleased. Naturally there was great homogeneity in religious ideals among these people. During the early years of colonization every individual was of the same religious faith. Their religious organization definitely headed in the President of the Church. The Church was geographically divided into "stakes" and "wards" over which presided presidents and bishops who represented the church president. Each lay male member was made to feel that he was a vital part of the entire organization through the "priesthood" which he held. There was no separation of Church organization and Church doctrine; each was a part of the same thing.

Social Life

The early records of the Mormon "settlements" of Utah re-

³¹Ibid. ³²Deseret News, Vol. I (1850-51), p. 119.

³³Joseph A. Geddes, The United Order Among the Mormons, Salt Lake City, Utah: Deseret News Press, 1924. Pp. 172.

port numerous instances of their social life. Not only did they frequently meet for religious purposes, but "dancing," "feasting" and other "celebrations" brought them together for social purposes. The "bowery" was a common meeting center for social purposes and existed in many of the Utah villages. Often-times this was but a temporary device to afford shade during the hot days while celebrations were being attended.

Dancing among the Mormons has always been a popular social function, and evidence indicates the dance was especially popular in the early village life. Celebrations consisting of a variety of programs, especially of instrumental and vocal music and of oratory, were common social functions.

School, social, and religious functions, as well as meetings for common temporal and civil problems, were held in the same public buildings.

Private-Venture Schools in Early Utah History

When the settlers first arrived in Salt Lake Valley many things required their time and energy. Food and shelter necessarily needed to be provided before attention could be given to education. However, soon after these basic necessities were cared for the people began thinking of schools. As previously indicated, at least two schools were in operation during much of the first winter. The mere existence of a few primitive schools is not evidence of the operation of an educational program in a general organized plan, but such an organization began definitely to take place in 1850 with the establishment of the University and the Board of Regents. This phase of educational organization is discussed in a later chapter.

During the interim from the arrival of the pioneers in 1847 until school organization developed, a number of private-venture schools were established. An examination of advertisements in the pioneer newspaper after it began in 1850, proves the existence of a variety of such schools. On November 27, 1852, Elib Kelsey announced in the Deseret News:

The subscriber designs opening a Day School on Monday the 6th day of December next . . . where he will be happy to receive pupils upon the following terms, viz:

For Spelling, Reading, Writing, and Arithmetic, \$5.00

For Spelling, Reading, Writing, and Arithmetic, with Grammar or Geography, \$5.50.

The produce of the Valley will be taken in payment for

tuition, but in all cases, when the terms of payment are not agreed upon cash will be expected. Lectures upon Grammar accompanied with illustrations upon the blackboard, will be given for the benefit of the scholars; in the afternoons of Mondays, Wednesday, and Friday in each week.

An evening school will be opened in the same house shortly after the commencement of the Day School, of which the notice will be given in the 'NEWS.'³⁴

Subject matter offerings were varied, indicating that a wide range of abilities and interests could be supplied. Some of the courses that were publicized were more advanced when compared to those listed above. One announcement under the caption of "High School" says,

The gentlemen and ladies of this Territory are hereby informed, that Prof. Orson Pratt proposes to open an Evening School in Great Salt Lake City, wherein will be taught the following branches:

Natural Philosophy,
Electricity and Electro-Magnetism
Chemistry,
Astronomy, including the use of the Sextant and
Reflecting Circle.
Algebra,
Surveying,
Analytical, Descriptive, and Common Geometry,
Plane and Spherical Trigonometry,
Conic Sections,
Analytical and Celestial Mechanics,
Differential and Integral Calculus.

No branch but those specified above, will be taught in the school. Prof. Pratt can furnish students with some twenty copies of Day's Algebra, and with a few copies of other works, treating upon the branches of science proposed to be taught.

The school will be open from six till nine on Monday, Tuesday, Wednesday, and Thursday evenings.

Terms--\$15 per quarter, for each scholar.

School to commence when twenty scholars shall have subscribed.³⁵

These advertisements of private schools indicate "Grammar" was a popular subject. One teacher proposed to teach a term of fifteen weeks, two evenings a week, for six dollars per term. The announcement includes requirements as follows: "Gentlemen and Ladies wishing to become members of the class must furnish themselves with lights, and each one with a copy of Kirkham's Grammar.

³⁴Deseret News, Vol. III, November 27, 1852, p. 107.

³⁵Ibid., Vol. IV, December 28, 1854, No. 42.

No extra charge for fuel or rent."³⁶

Occasional schools were announced in which the teacher taught but a single subject, such as a "General School."³⁷ Other schools were of a more practical nature. One such announcement is:

To Carpenters, Joiners, Masons, Etc., etc.

Classes to teach the above-named Mechanics how to get out the times of their work, including centering, groined Arches, Roofing, Staircase Railing, etc; also to impart a general outline of principles of Architecture--will be held every Tuesday and Thursday Evenings, from 7 to 9 oclock, in the west wing of the 14th Ward Meeting House, commencing Tuesday, 11th February.

Terms--One night per week for the quarter, \$5.

Two nights per week for one quarter, \$8.

One half in advance.³⁸

The large family pattern common among the early Utah settlers, occasionally justified a school for a single family. A present day newspaper claims Brigham Young built a private school for his family as early as 1851.³⁹

Considerable effort was exerted to educate the people during those years of difficult pioneering. As early as 1849, the leaders of the Church made a report of conditions, saying, "There have been a large number of schools the past winter, in which the Hebrew, Greek, Latin, French, German, Tahitian and English languages have been taught successfully."⁴⁰ The Chancellor of the Board of Regents of the University, who more than any one else at the time should have known the entire educational program, in 1850 said, "I boldly aver that this people have used the most exemplary diligence to establish and perpetuate valuable schools."⁴¹

A writer in the Deseret News in November, 1850, indicated that schools and school buildings were becoming more common and declared a general system was being established by "the construction of school houses in every ward."⁴²

³⁶Deseret News, Vol. VIII, December 8, 1858, p. 172.

³⁷Ibid. ³⁸Ibid., Vol. XI, February 5, 1862, p. 256.

³⁹Salt Lake Tribune, September 26, 1925.

⁴⁰Millennial Star, Vol. XI (1849), p. 230.

⁴¹Deseret News, Vol. I (1850-51), p. 62.

⁴²Ibid., November 27, 1850.

The Mormon Village Made Possible Graded School

The chief characteristic of Mormon colonization was the village life in every settlement. The Utah pioneers possessed one distinct difference from other pioneers who came westward across the American continent. With the exception of the New Englanders, the frontiersman has commonly established his first home on the homestead. The first people to build these permanent homes have typically lived a rural and rather isolated life. Only after farm lands have been improved and other common interests that justify a trade or industrial center developed, have villages, towns, and cities been built. The Mormons reversed this order of development. Villages and towns were established first, making possible a kind of social, religious, and educational life different from that which had commonly characterized the settlers of the Mid-west and West. The Utah pioneers invariably lived in compact groups. Occasionally for a period of time, all people lived within a fort for common protection against the Indians. As Indian dangers decreased, the village would be platted, and lots issued whereupon town residences were erected.

Factors that Developed Village Life

The topography of Utah differed greatly from that farther east where other home-seekers settled. The Mormon colonists built their homes in an area that contained much uninhabitable land, due to high and rugged mountains. The inter-mountain country inhabited by them is arid and requires irrigation to mature crops. Mountain streams generally flowed from the canyons into the valleys where the villages were built. These mountain streams and the tillable valleys into which they flowed, did much to determine where settlements could and could not be established.

The need for common protection against the Indians is believed by some students of sociology to be one of the major reasons for the Mormon colonists building villages and living in compact social groups, rather than as isolated farmers in more rural situations. The records report cases of Indian trouble. One location of troublesome Indians was at Fort Utah. On March 5, 1848, John Smith wrote:

The Indians about Utah Lake, we learn, are driving off our

cattle. We sent the marshall with forty armed men and an interpreter to ascertain the facts, found they had driven and killed 16 head of cattle and one horse We got one gun [and] whipped the two principal thieves.⁴³

Similar mention is made by Isaac Higbee, leader of the colony, who wrote Brigham Young, saying, "The Indians had been troublesome for several weeks."⁴⁴ Once again Higbee reported, "Peace was made but the Indians still persisted in stealing and were very saucy, annoying and provoking, threatening to kill the men and take away the women."⁴⁵

The compact colony as it existed among the Mormons was undoubtedly a convenience in case of Indian trouble but was not a result of it, for the typical Mormon village existed where Indians did not exist and is the result, primarily, of other causes.

Emphasis has been placed throughout this chapter upon the fact that the leadership of the Mormon Church built and maintained a social solidarity. Village life was advantageous toward the attainment of such an objective. These were religious colonists of a single faith; they were governed by and in a theo-democracy. Each male member was invited to participate in the affairs of the Church and the Church included and controlled all temporal and civil problems. Religious life required the membership of the Church to meet at frequent meetings. The New England town meeting plan was brought to Utah by the Mormons, many of whom were native of the New England country. Under the direction of the local Church leader (Ward bishop), men would meet and discuss all problems of common interest. The Mormons were acquainted with the New England town plan and much of it fitted well into their own colonial policies. Nelson, who has probably made more intensive studies of the Mormon village than any other student, says, "It is highly probable that the Utah village reflects the influence of the New England pattern."⁴⁶ He likewise claims that this is but one of many influencing factors. He concludes that the vil-

⁴³ Andrew Jensen, "Salt Lake Stake." MS, Church Library, Salt Lake City, Utah.

⁴⁴ Andrew Jensen, "Utah Stake," p. 16. MS, Church Library, Salt Lake City, Utah.

⁴⁵ Ibid.

⁴⁶ Lowrey Nelson, A Social Survey of Escalante, Utah, p. 5. Brigham Young University Studies, No. 1.

lage facilitated settlement because it met the following needs:

1. It provided security.
2. It facilitated cooperative efficiency; by placing the members of the community in ready touch with the directing officers of the group.
3. It made for content, in that social intercourse was facilitated. Even in pioneer stages, these villages were of sufficient size to make possible the maintenance of religious, educational and other social institutions.
4. By separation of residence area from the arable lands a more advantageous utilization of the lands was made possible. Common pasturing of the fields after harvest; common fencing at first, were made possible by the fact that crops were stored and stacked in the village.⁴⁷

Building Cities--A Religious Duty

Building of cities among the Mormons can be fully explained and understood only as a part of their theology. It is in this respect that their plan of colonization is unique. Repeatedly in the letters and sermons of leading Mormon men, reference is made to building of "holy cities." An example of this may be noted in the fact that on August 9, 1848, several of the leaders of the Mormon colony then in Utah wrote Brigham Young, who at that time was en route to Salt Lake Valley, as follows: "Quiet, union, peace and harmony prevail in our midst, with a determination to do the will of the Lord, build a holy city unto him and hearken to . . . counsel."⁴⁸

Village or town life is one of the principal reasons for the success of the Mormon plan of colonization. Many attribute this planning to the ingenuity of Brigham Young. The Utah cities and towns, naturally vary in size, but the same general pattern exists with each of them. This plan reverts to the time when Joseph Smith was head of the Mormon Church. One of the Church historians has written as follows:

It was about this time (the spring of 1833) that a general plan for building 'cities of zion' was evolved, that is of very great interest. In June the Prophet (Joseph Smith) sent to Zion the plat of the city to be founded at Independence, which was to be a model for the rest, and which a few years

⁴⁷Lowrey Nelson, The Mormon Village: A Study in Social Origin, p. 29. Brigham Young University Studies, No. 3, 1930.

⁴⁸Andrew Jensen, "Salt Lake Stake." MS, Church Library, Salt Lake City, Utah.

later became the plan on which Kirtland was laid out.⁴⁹

This plan as recorded by the historian was used, as indicated, in Mormon cities before the migration to Utah. Moreover it was the same general plan by which Salt Lake City was platted as well as the cities and towns which were to follow. The significant features of this plan are further recorded by the historian as follows:

Lands for agriculturalists sufficient for the whole plat are also to be laid off (outside the city) but the tiller of the soil as well as the merchant and mechanic will live in the city. The farmer and his family, therefore, will enjoy all the advantages of schools, public lectures, and other meetings. His home will no longer be isolated, and his family denied the benefits of society but they will enjoy the same privileges of society and can surround their homes with the same intellectual life, the same social refinement as will be found in the home of the merchant or banker or professional man.⁵⁰

Joseph Smith gave instruction at that early date that this was to be the plan for their building of cities and firmly declared it was to be perpetuated; to "let every man live in the city."⁵¹

Shortly after the arrival of the first Mormons into Salt Lake Valley a plat was made for the City of Salt Lake. On September 24, 1848, Brigham Young wrote the following: "Elder Kimball and I were appointed by unanimous vote to apportion the city lots and applicants; also leave was granted by vote, that the city buildings be erected at least twenty feet from the walk."⁵²

The characteristics of wide straight streets, with square blocks, is typical of all Utah cities and towns. Platting a city was an activity engaged in by each of the colonies as new settlements were begun.

A record of that time cites the origin of Provo:

On Monday September 17, 1849 at 9:25 A.M. President Brigham Young, Heber C. Kimball, Willard Richards and others rode out from Fort Utah in three carriages, accompanied by five men on horse-back to look out a location for a town. They found a very eligible place, about two miles southeast of the Fort, where it was decided to build a city, a mile

⁴⁹B. H. Roberts, A Comprehensive History of the Church of Jesus Christ of Latter-day Saints, Vol. I, pp. 310-11. Salt Lake City: Deseret News Press, 1930.

⁵⁰Ibid., p. 312. ⁵¹Ibid.

⁵²Andrew Jensen, "Salt Lake Stake." MS, Church Library, Salt Lake City, Utah.

square, to be laid off in blocks of four acres each, divided into eight lots of half an acre each, reserving the center block of four acres for a chapel and school house, the streets to be five rods wide.⁵³

The somewhat typical procedure of sending new colonies out from Salt Lake Valley to new locations and the immediacy with which cities were platted and schools and churches built may be noted in the case of Manti.

An investigating party was sent to "Sanpete Valley" in the early "fall of 1849." The party selected the "present site of Manti for the proposed settlement." This recommendation was brought back to Salt Lake and was considered at the general conference on October 6, 1849. The following day "the whole conference voted in favor of making a settlement in said valley and laying out a city there."⁵⁴ On November 22, 1849, the company of "224 souls" arrived at the present site of Manti. "By the next autumn," the record continues, "school was opened in a log house erected for that purpose, and also for Sabbath Services--with Surveyor Jesse W. Fox as teacher during the winter months of 1850-1851."⁵⁵

Utah Colonization Provided for Central Schools

From the beginning of Utah history the people have not lived in strictly rural communities. Deeply embedded in their religious philosophy has been an injunction to "build cities." This religious concept became basic for the plan of colonization by which Utah was settled and continued to grow. Wherever the Utah pioneers settled they planned and built towns. Through co-operation they built school houses and houses for worship. The same building frequently served for both purposes. Moreover, schools usually demanded their immediate attention. One student says, "From an examination of the history of thirty-eight towns of the state, we find that, without any exception, a school was opened during the first season of their history."⁵⁶

⁵³Andrew Jensen, "Utah Stake," p. 15. MS, Church Library, Salt Lake City, Utah.

⁵⁴Andrew Jensen, "Sanpete Stake," p. 1. MS, Church Library, Salt Lake City, Utah.

⁵⁵Ibid., p. 7.

⁵⁶Levi Edgar Young, "The Pioneers and Early Education," Utah Educational Review, Vol. VI (1913), p. 41.

The policy of colonization in which the people lived in towns instead of on farms made it possible for relatively large schools to exist in Utah from an early date. The "little red school house at the crossroads" has never been a true symbol of education in Utah. The Mormon village produced a graded school, throughout the state as a whole, which was larger in size than that found in other states, and thereby made possible one means of centralized control.

Summary

An understanding of education as it began in Utah necessitates a partial knowledge of the religious, and educational ideals of the founders of the State. Utah was settled as a religious colonizing program under the direction of Brigham Young. Young was the successor to Joseph Smith, the organizer of the Mormon Church. From a very early date the Mormons sponsored a variety of schools. The Church was organized in 1830, and as early as 1833 many of the male members of the adult population were attending Church-sponsored schools. The primary purpose of the schools was to acquaint Church members with the new theology, their responsibility in the Church, and to prepare them to preach and teach the principles of their religion.

The theology of the Mormon Church contains doctrine that advocates both general and theological learning to be essential for salvation. This religious code greatly influenced the efforts expended toward education.

Leaders of the Mormon Church were ambitious to build and maintain a social solidarity and an economic security within the membership. Church-sponsored education did much for the establishment of such solidarity. A definite and systematized organization is a basic principle within the Mormon Church, and the functioning of such an organization necessitated some form of training and provided a means whereby schools were readily organized and controlled.

The most noteworthy early example of complete organization of all education was established at Nauvoo. This plan was to place all schools under the City of Nauvoo University Chancellor and Board of Regents. This pattern of organization was again put into operation in Utah in 1850, less than three years after the first Mormons arrived in Salt Lake Valley.

The first Utah schools were private-venture schools and were not a part of an organized system. They probably were approved, and given certain general supervision by Church officials. Newspaper advertisements indicate that many early Utah schools were organized largely without a systematized plan, and existed for a heterogeneous group of interests and abilities.

Ecclesiastical government was the first government in Utah. The various colonies were platted in geographical units of "stakes" and "wards" as a part of Church organization. Schools existed in the wards to accommodate people of the ward under the general supervision of the Bishop and as one unit of the Church. Common Ward schools given general supervision by ecclesiastical authority and a part of the hierarchical church government afforded one phase of centralized control of education in Utah.

The particular social, economic, and religious life of the Mormons in early Utah history was an aid in making possible the common school. Religious homogeneity existed; church membership, with its rites and privileges, existed for, and was expected of all; people were essentially on the same economic and social level, and co-operation for the common welfare was encouraged.

One unique feature of the Mormon plan of colonization was the religious concept toward the "building of cities." The general plan was advocated by Joseph Smith in the early history of the Church. This plan, in general, was carried out by Brigham Young, not only in platting Salt Lake City, but in all of the colonies sent out from the original Salt Lake settlement. The New England town, affording a means through the town meeting for mass expression; fear of Indians, and need for a common defense; a limited area of productive soil with streams for irrigation, and a need for social contact, each probably contributed toward the "city" or "town" building plan of Mormon colonization, but the religious concept of building cities, together with the possibility of maintaining a social and religious solidarity, were the dominant motives for residing in compact communities.

The Mormon town or village has afforded one important means of making possible a comparatively large and graded school. It existed for more than a score of years under the direction of a church hierarchical form of government.

CHAPTER III
CENTRALIZATION OF EDUCATION THROUGH
UNIVERSITY CONTROL

The Mormon Church existed as a compact theological and social organization from the time of its organization in New York until such time that increasing non-members of the Church made permanent homes in the Territory of Utah. Shortly after its organization, the Church became a missionary agency. This fact necessitated at least a partially trained ministry in a particular theology. Moreover, the early Church members were soon persecuted, and this not only gave them a defense attitude in justifying their existence and perpetuation, but tended to increase their solidarity.

Educational control is one of society's principal means of maintaining social solidarity, and it was to this means that the leaders of the Mormon Church turned. It is the purpose of this chapter to describe the plan of educational organization that was devised for the Church by the Mormon leaders. This plan was one of the major phases of centralized educational control. It existed before the Mormons came to Utah and was re-established after their arrival into the Utah valleys.

Ten years after the Mormon Church was organized, with headquarters at Nauvoo, Illinois, the first completely centralized educational control was effected. At that place a city hastily grew up, consisting of 25,000 people. A charter was granted on December 16, 1840, establishing the "University of the City of Nauvoo." The charter placed at the head of the University a Chancellor and a Board of Regents. Many of the inhabitants of the City of Nauvoo, including their leader, Joseph Smith, had come from the state of New York. The "Board of Regents" method of control of that state probably was the educational organization best known to them. It was established in Nauvoo and given control of the entire educational program. This scheme of planning the entire program of education was effected in Nauvoo and became

the model that was put into operation after the Mormons came to Utah. It makes the Board of Regents a highly centralized controlling body.

Section 24 of the Nauvoo charter is as follows:

The City Council may establish and organize an institution of learning within the limits of the city, for the teaching of the Arts, Sciences, and Learned Professions, to be called the 'University of the City of Nauvoo,' which institution shall be under the control and management of the Board of Trustees, consisting of a Chancellor, Registrar, and Twenty-three Regents, which Board shall thereafter be a body corporate and politic, with perpetual succession by the name of the 'Chancellor and Regents of the University of the City of Nauvoo,' and shall have full power to pass, ordain, establish, and execute, all such laws and ordinances as shall not be repugnant to the Constitution of the United States, or of this State; and provided also, that the Trustees shall at all times be appointed by the City Council, and shall have all the powers and privileges for the advancement of the cause of education which appertain to the Trustees of any other College or University of this State.¹

The City Council of Nauvoo had earlier been given "power and authority to levy and collect taxes upon all property" and "to establish, support, and regulate common schools,"² but on February 22, 1841, an ordinance was passed by the City Council declaring,

. . . . that all matters and powers whatever in relation to common schools, and all other institutions of learning within the City of Nauvoo be, and the same hereby are transferred from the City Council of the City of Nauvoo, to the chancellor and regents of the University of the City of Nauvoo.³

There was no doubt as to the completeness of the functions of the Chancellor and Board of Regents. The first presidency of the Church described the organization and its advantages on January 15, 1841:

The 'University of the City of Nauvoo' will enable us to teach our children wisdom, to instruct them in all the knowledge and learning, in the arts, sciences, and learned professions. We hope to make this institution one of the great lights of the world, and by and through it to diffuse that kind of knowledge which will be of practicable utility, and for the public good, and also for private and individual happiness. The Regents of the University will take the general supervision of all matters appertaining to education, from

¹ Joseph Smith, History of the Church of Jesus Christ of Latter-Day Saints, Period I, Vol. IV, pp. 243-44. Salt Lake City: Deseret News Press, 1908.

² Ibid., p. 245.

³ Ibid., p. 301.

common schools up to the highest branches of a most liberal collegiate course. They will establish a regular system of education, and hand over the pupil from teacher to professor, until graduation is consummated and the education is finished.⁴

The assignment of the Regents of the University in supervising "all matters appertaining to education" was made definite in that declaration. They determined the course of study, approved teachers for certification, and gave complete supervision to all schools.⁵

Nauvoo furnished only a temporary home for the Mormons. In 1844 Joseph Smith was killed and Brigham Young became leader of the Church. Three years after (July 24, 1847), Young arrived with the first group of Mormon pioneers in Salt Lake Valley and there established the permanent home of the people who were to build the Territory, and thence the State of Utah.

The only civil form of government existing in Utah before September 9, 1850, at which time the United States Congress made Utah a Territory, was the provisional State of Deseret. On February 28, 1850, the general assembly of that temporary state passed an ordinance creating the University of Deseret. The change of leadership or of location of the Church did not alter the method of organizing and controlling their education. Provision was made in the ordinance for a chancellor and twelve regents, selected by the general assembly to govern the University. This body of officials functioned as "a body corporate, to sue and be sued." They were authorized

. . . . to transact or cause to be transacted all business needful to the prosperity of the University in advancing all useful and fine arts and sciences; to select, and procure lands; erect and purchase buildings, solicit donations; send agents abroad; receive subscriptions; purchase books, maps, charts and all apparatus necessary for the most liberal endowment of any library and scientific institution; employ professors and teachers; make by-laws; establish branches of the university throughout the State; and do all other things that fathers and guardians of the institutions ought to do.⁶

The chancellor and Regents were authorized to appoint a

⁴Smith, op. cit., p. 269.

⁵Times and Seasons, Vol. II, p. 632.

⁶Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah, pp. 59-61.

secretary and to define his duties. All officers were required to take an oath of office, and file a bond in the office of public accounts with approved securities in a sum of not less than ten thousand dollars. A treasurer was to be selected at the same time and by the same body as selected the chancellor and regents. The treasurer was required to give bonds in the sum of one hundred thousand dollars. The ordinance provided for the State treasury to give five thousand dollars annually for the use of the university and required the 'officers of the university to prepare and open books, and be ready to receive subscriptions, donations and appropriations, on or before the sixth day of April next, (1850).'⁷

The few schools that had existed preceding this date were in the ecclesiastical Wards, but were not a part of the educational organization as it was planned at Nauvoo and later in Utah.

Brigham Young was an organizer. The Church became more definitely and systematically organized under his supervision than it had been formerly. Organization controlled and directed the travels and encampments of his people in their westward trek. Part of his colonizing success was due to the fact that the new State of Deseret was planned in geographical units of ecclesiastical "stakes" and "wards," with authorized church representatives presiding over them; therefore, it was but natural and in keeping with other policies for Young to organize education with a single head having charge of all schools throughout the new Territory.

The first school in Utah was established within three months after the Mormons arrived in Salt Lake Valley. Other schools followed shortly thereafter. There is no evidence that these were a part of the plan comparable to that which was established in Nauvoo, or later came into existence in Utah; these were essentially private schools; they existed with consent of the Church.

As new colonists arrived, increasing the number of people, greater demands and needs for education existed. The few private-venture schools already established were inadequate to educate all of the children. The Deseret News⁸ of October 19, 1850, reports people were asking what "course to take to secure a school." Such problems were, according to this pioneer newspaper, referred

⁷ Ibid.

⁸ The Deseret News was the first paper established in the western intermountain country. It contains much of the now existing records of the time describing the University of Deseret.

to the "Regency of the University."⁹

The Beginning and Purpose of the "Parent School"
of the University

The school at the head of all schools, and of the entire educational system, and over which the chancellor and board of regents had control, was often referred to as the "Parent School." It officially opened November 11, 1850, in a private house, under the "supervision of Professor Orson Spencer" acting as the first Chancellor.¹⁰ The report says the board of regents employed "Dr. Collins, A.M. . . . who will instruct in all branches taught in high school."¹¹ The fee was \$8.00 per quarter with one-half the amount paid in advance. The newspapers gave considerable publicity to this school opening. Six consecutive issues up to and including January 25, 1851, carried identical reports of the initial account. This first school was "designed for gentlemen," but, the report added, "as soon as a room can be prepared, another school similar in its object and character will be instituted for ladies."¹²

The plan for uniformity of education controlled by subject matter and teaching methods is indicated in one report of this school: "The object of the Parent School is to qualify teachers for the District or Ward schools, and then for a higher order of schools . . . that there may be a uniformity in the method of teaching throughout Deseret."¹³

On February 6, 1851, Orson Spencer, Chancellor, and U. W. Phelps, Regent, wrote a statement "by advice and direction of a vote of the Board of Regents of the University of Deseret" reporting "the second term of the Parent School" would commence "in the upper room of the State House on Monday the 17th"¹⁴ Evidently the number of "scholars" was not what had formerly been expected. Beginning with the second term the school admitted "male and female scholars in all the necessary branches of education, usually taught in such institutions."¹⁵ The price of tuition was reduced to \$5.00 per quarter. The announcement carried

⁹Deseret News, Vol. I (1850), p. 158.

¹⁰Ibid.

¹¹Ibid. ¹²Ibid. ¹³Ibid., p. 156.

¹⁴Deseret News, Vol. I (1851), p. 206.

¹⁵Ibid.

the plea "that a goodly number of scholars may qualify themselves for teachers."¹⁶

Five days after the second term of the "parent school" had opened the newspaper reported "the school numbers about forty scholars,"¹⁷ but added, "there is room for fifty or sixty more scholars."¹⁸ Once again the newspaper urged "all who wish to become teachers in the several wards, to be in attendance at this school, so that they may see and hear the right way, and go and do likewise."¹⁹

Religious Influence in the Parent School

Education of that time in Utah can be understood only as it is related to the history of a deeply religious colony of pioneer people. Religion and the right to worship unmolested were their motives for leaving their homes in the East and Mid-west, and venturing across desert and mountain to a desolate area on a new frontier. Under such conditions it was but natural that their particular theology and its perpetuation would be a vital part of their school program. The same newspaper reporting the opening of the second term of the Parent School urges more people to attend and to take advantage of the school, because:

Education, when taught by correct principles, and under the supervision of those governed by the spirit of God, will lay a foundation to make men and women great, noble, and amiable, and will expand their minds so that they can be fit for any station which they may be called to occupy, and nothing will daunt them from pursuing the purposes of God and truth. . . .²⁰

The desire for religious instruction was uppermost in the minds of the Regents. The Deseret News of November 12, 1853, contains a rather lengthy description of what was wanted in their schools, which was signed by "One of the Regency." To this group of religious people it was most important that an approved religious atmosphere exist in the school. Their existing desire for approved theological teachings prevented an "unbelieving teacher" from being approved by the Board of Regents. The Regent said:

If your children should adopt the practice in very early life to take a little gospel to school and apply it to getting an education, the experience might be worth something to them in riper years. For instance, if they should presume to

¹⁶Ibid.

¹⁷Ibid., p. 212.

¹⁸Ibid.

¹⁹Ibid.

²⁰Ibid.

think that the spirit of God could help them get their lessons just as well as he could help the two thousand young men to fight their enemies, or infant babes to speak with the tongues of angels, as in former days, wherein would be the impropriety of their faith? If they should find by experience that the spirit of God had so touched the eyes of their understanding as to give them more ready access to the principles of arithmetic and to the art of writing, they would soon find the comfort and convenience of such a helper in the acquisition of all other truth which they might choose to learn.

But an unbelieving Teacher would be very likely to tell them (and honestly too) that he knew nothing about the Spirit of God, nor of the system of school teaching that incorporated the aid of such a spirit. Now, when Teachers come from the States and other distant parts that do not understand this peculiarity in our system of school teaching, trustees may find it expedient to advise them to take some preparatory lessons from kanyon labors, or from hauling wood and driving teams before they forward them to the Board of Regents for examination.²¹

The chancellor, board of regents and instructors were all influential men in the leadership of the Church. Moreover, "the council of the Church" gave direct suggestions concerning the school. A report of a Church leader who had attended a closing term of the Parent School shows the religious influence as follows:

We have seldom ever attended a religious meeting, where a more meek, quiet, gentle, soothing, united and heavenly influence prevailed uninterruptedly, than there did during the examination of the Parent School while we were present and our prayer to God is, that the same celestial influence may ever be continued, and diffused through all the schools in Deseret.²²

Report is made that no "restraint or constraint was manifested by teacher or pupils . . . and we have been credibly informed the whip and scold have neither been seen or heard for the first time therein, since the commencement of the school. . . . Arithmetic, . . . geography, grammar, declamation and other branches" were taught.²³

Shortly after the Parent School was instituted a tract of land was set aside for the benefit of the University. It was planned to have a rock fence surround this land. An area of grazing ground was set aside by the city council for the teams used in quarrying and hauling the rock.²⁴ The construction of

²¹Deseret News, Vol. III (1853), p. 187.

²²Ibid., Vol. I (1851), p. 260.

²³Ibid.

²⁴Ibid.

this fence was a great co-operative effort as may be noted by the following:

The University land is now being fenced, and as our brethren are well aware that it is all done by donations, we would call on all who take an interest in the spread of schools, etc., to put to and help in this matter,--bring in your wheat, corn, potatoes, beef, pork, etc., to help build this fence, that we may have such a place erected as will be an ornament to our State, and will show to those who come from all parts of the world to worship God, that we will be great, and our children after us; for we will have all truth which can be given from books, or any other source in the world.²⁵

The men were reminded that they had received blessings when they had been required to build a Temple. Comparable blessings were now promised for the building of the University.²⁶

Educational Leadership of the University Regents

The regents of the University realized that long distance had separated their colonies from other civilization. They knew it was necessary to train people to become teachers. Records of the time indicate they were anxious to increase the number of capable instructors. The regents proposed that those who were capable of teaching should meet at "a convenient school house" with such "parents as take an interest in education" and "the examining committee."²⁷ "At these meetings," said the Regents,

. . . we wish the teachers to propose and discuss briefly those questions that are pertinent to their occupation; to relate their mode of teaching and governing, and prominent results of their observations; also to give those they have invited, opportunity to make applicable remarks and suggestions.²⁸

The regents described in the newspaper those personal qualifications they thought to be essential for teaching success. They wrote on methods of teaching and provided other means of training teachers under their supervision as may be noted by announcing: "A course of lectures from the Regency is confidently looked for before many weeks, from which it is fervently hoped that the schools of the Territory will receive a good impulse."²⁹

Training of teachers, as has been indicated, was one of the proposed major functions of the University. Governor Young

²⁵Ibid., p. 212.

²⁶Ibid.

²⁷Deseret News, Vol. III (1852), p. 111.

²⁸Ibid.

²⁹Ibid., Vol. III (1853), p. 187.

recognized the problem of teacher training when he expressed concern because of the lack of a parent school to give this training after the school had closed. In addressing the legislative assembly in 1854, he said:

I fear that sufficient attention is not paid to the selection and examination of teachers, or the manner of conducting schools. Although the Board of Regents have doubtless by their influence aided much, and are still extending their influence and exertions in a general way to advance the cause of education, yet at this moment, there is not a Parent School for the instruction of Teachers--a mathematical or High School where the higher branches are taught, in all the Territory.³⁰

The regents supported the County Courts³¹ decision in requiring teachers who were certified because of the demand for teachers, but who passed on "a low scale," to take annual examinations. These, the regents assented, "could and should improve, and at the end of the year, . . . pass a more extended examination."³²

The Chancellor and Regents as School Inspectors

The regents participated in all phases of the school. They were concerned with the "selection of books, . . . the best system of school government, . . . proper lighting, warming and ventilating rooms, and the proper construction and arrangement of seats and desks; and many other items of a kindred character."³³ Moreover, the regents accepted these same duties throughout the entire educational organization. They claimed it was "wisdom" that such "discretion [be] left with the Chancellor and Board of Regents . . . for the attainment of the above desirable objects . . . , and a child can be taken from the first step, by a regular system constantly improving with experience, until he graduates at the University."³⁴

The fact that the University Regents continued to function after the University of Deseret as an educational institution ceased to exist, is evidence of their intention to control

³⁰Brigham Young, Governor's Message to Legislative Assembly, December 11, 1854.

³¹County Courts were authorized by law in 1852 to divide the County into school districts and establish schools.

³²Deseret News, Vol. III (1852), p. 11.

³³Ibid.

³⁴Ibid.

and direct education. The Deseret News of December 7, 1854, contains the assignment of the Chancellor and seven regents to the schools in the nineteen wards of "Great Salt Lake City."³⁵ The Chancellor and secretary "by order of the Board of Regents" wrote the members of the regency, reminding them that they were "expected to enter upon [their] respective fields of labor without unnecessary delay."³⁶ They were urged to make themselves "acquainted with the legal powers conferred on them," and to "consult the legislative enactments of the Territory respecting schools."³⁷ The order also included the instruction to:

. . . . See that competent schools are established in each Ward or District on a scale extensive enough to accommodate all the scholars of said Wards or Districts; and keep a watchful eye upon the character of the Schools, the manner in which they are conducted; and suggest any improvement that you may discover necessary. Advise with the Trustees, and act as their aids and counselors in their responsibilities.

Enjoin it upon the Trustees and Board of Examination to make it an indispensable requisite in teachers to forthwith qualify themselves to teach the Deseret Alphabet³⁸ in their respective schools.

It is expected that the regents and the twelve apostles who may visit the various towns and settlements in the Territory, together with such agent or agents as may be sent by the Board, will teach and enforce these principles in all their circuits³⁹

The fact that the right of inspection of all schools belonged to the regency may be noted by the announcement of "a systematic course of instruction in connection with the Polysophical Institution," in which it was declared "the classes will be open at all times to the general [public] and particular inspection to Governor Young and the Regency."⁴⁰

Plans for the University were at first somewhat comprehensive. It was thought likely that branches would be established in various parts of the Territory. One of the early church documents of 1850 reports: "The General Assembly . . . [has] chartered a State University . . . to be located at Great Salt Lake

³⁵Deseret News, Vol. IV, December 7, 1854, No. 39.

³⁶Ibid., Vol. IV.

³⁷Ibid.

³⁸An Alphabet devised by the regents.

³⁹Deseret News, Vol. IV, December 7, 1854, p. 2.

⁴⁰Ibid., Vol. IV, February 8, 1855, No. 48.

City, with branches throughout the State, if wanted."⁴¹ A branch of the University was temporarily established in Provo in 1870.

Members of the Board of Regents of the University were sent out to investigate schools and received written reports concerning them. On February 2, 1855, George A. Smith, one of the regents, wrote to Chancellor Orson Hyde and reported having visited on January 23d, the City Council of Provo and having asked for a written report of their schools. On January 31st he received the report and forwarded it to the Chancellor. The report contains the "number of scholars" in each of the four ecclesiastical wards of Provo and the number who were not in school. Of a total number of 516 "scholars," 291 were not in attendance. This caused the University Chancellor considerable anxiety. The report of that time said, "The citizens of Provo need their energies stirred on the subject of schools. . . . Its [Provo's] school facilities are behind any other in the Territory that has come under my knowledge."⁴²

The University did not exist as an educational institution from 1852 to 1867. During this interim the Regents gave supervisory control "over the schools throughout the Territory."⁴³

Educational Control Through a Regency Appointed Superintendent

The law creating a University Chancellor and Board of Regents was passed in February, 1850. This Board held its first meeting two weeks after the Act was passed. Hence, it began immediate direction of the school program. Although this board gave considerable supervision to education, Governor Young was not completely satisfied with existing education. On September 22, 1851, he urged the subject of education on the legislative assembly and suggested the "inhabitants of each neighborhood" be required "to maintain a school."⁴⁴ Young at that time again man-

⁴¹Millennial Star, Vol. XII, August 15, 1850, p. 244.

⁴²Deseret News, Vol. IV, November 30, 1854, No. 38.

⁴³Hubert Howe Bancroft, History of Utah, p. 710. San Francisco: The History Company Publishers, 1891.

⁴⁴Acts, Resolutions and Memorials Passed by the First Annual and Special Session, of the Legislative Assembly of the Territory of Utah, p. 102.

ifested his interest in a "uniform program" with a centralized plan of supervision by suggesting the appointment of "a superintendent of public instruction" to work toward "the formation of an uniform system of common schools."⁴⁵ He further recommended the president or a member of the Board of Regents might well act as such a superintendent.⁴⁶

On October 4, 1851, the legislative assembly passed an act in keeping with the recommendation of the Governor.⁴⁷ This act retained the chancellor and regents as the controlling head of education as may be noted: "The Chancellor and Board of Regents of the University of Deseret, are hereby authorized to appoint a superintendent of Primary Schools, for the Territory of Utah, under their supervision and discretionary control. . . ."⁴⁸ In 1854 this law was amended and it became mandatory for the chancellor and regents to appoint a superintendent of common schools who was to "hold his office during the pleasure of said board."⁴⁹

The University of Deseret Discontinued as a School

The ambitions of the Utah pioneers toward a University were beyond their financial ability to support. Requests were made of the United States Congress for financial assistance to education.⁵⁰ These requests, however, were not granted and two years after the University was organized, it ceased to function as an institution of instruction. The chancellor and regents retained educational control even though the University was non-existent for fifteen years. Moreover, the law was amended during this time and reappointments were made showing that control and direction of education was an intended function probably even more important than University instruction. The original act (1850), gave the University officials a term of office of one year.⁵¹ On January 3, 1856, more than three years after the

⁴⁵Ibid. ⁴⁶Ibid. ⁴⁷Ibid., p. 207. ⁴⁸Ibid.

⁴⁹Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah, 1854, ch. xciv, sec. 1.

⁵⁰Resolutions, Acts and Memorials Passed at the First Annual Session of the Legislative Assembly of the Territory of Utah.

⁵¹Ibid.

University ceased to exist, a resolution was approved by the governor and Legislative Assembly stating: ". . . the Chancellor, Regents and Treasurer of the University of the State of Deseret shall be elected by the joint vote of both houses of the . . . Legislative Assembly, and shall hold their office for the term of four years. . . ." ⁵²

One of the Territorial Superintendents recognized the effectiveness of central control on the part of this governing body, when he said, "For many years following the date of the charter [of the University of Deseret], its chancellor and regents were looked upon as the sole guardians of the public school interests of the Territory." ⁵³

The first Annual Catalogue of the University of Deseret gives briefly its history until it was reorganized in 1869. The report says:

University of Deseret
Origin and Development

In the year 1850, February 28th there was passed, by the Legislative Assembly of the State of Deseret, An Act Incorporating The University of the State of Deseret.

The Board of Regents of the Institution held their first meeting March 13th of the same year; and, on the second Monday of the following November, opened the Institution for the reception of Students.

Owing, however, to the immature condition of its finances, the school was soon discontinued; and subsequently, till November, 1867, had but a nominal existence.

In the fall of 1867, the Department of Instruction was reorganized, but conducted chiefly as a Commercial College, till the 8th of March of the present year, when it was more fully organized as an Institution for Scientific and Classic Instruction.

Since its recent organization, it has met with popular and material success; and with such encouragement, it is the determination of the officers of the Institution to make it supply as a Central University, every education requirement of our prosperous Territory. ⁵⁴

⁵²Resolutions, Acts and Memorials Passed at the Fifth Annual Session of the Legislative Assembly of the Territory of Utah, p. 4.

⁵³L. John Nuttall, Territorial Superintendent's Report 1880-1881, p. 21.

⁵⁴First Annual Catalogue of the University of Deseret.

Educational Control Through University
Teacher Training

As heretofore indicated, one of the major functions of the University of Deseret from the time it was first organized was to train teachers from the grade schools upward through the entire system of organization "that there may be a uniformity in the methods of teaching."⁵⁵ The problem of teacher training has been a primary objective of the University during its entire existence. The First Annual Catalogue of the University after it was reorganized in 1869, shows the course of study to have been divided into four divisions. There were (1) a classical course, (2) a normal course, (3) a commercial course, and (4) a preparatory course.⁵⁶ Part of the description of the normal course said, "The object of this course is to furnish an opportunity for persons wishing to become professional teachers. . . ."⁵⁷

Years had passed since any attempt had been made on the part of an institution within the Territory to train teachers. The Territorial superintendent repeatedly called the attention of the legislative assembly to the need of adequately trained teachers. In 1865 he asserted, "The greatest lack from which our educational interests now suffer is that of qualified teachers."⁵⁸ In his report to the legislative assembly in 1868 he urged "the importance of maintaining a Normal School."⁵⁹ Immediately after the normal course began, the superintendent urged the legislative assembly to pass a "statutory enactment for the education of a limited number of students [to the normal department], who might be sent from each county . . . for the purpose of qualifying themselves to become teachers in their respective counties. . . ."⁶⁰

⁵⁵Deseret News, Vol. I (1850), p. 156.

⁵⁶First Annual Catalogue of the University of Deseret.

⁵⁷Ibid.

⁵⁸Annual Report of the Territorial Superintendent, 1865, p. 171. Public Documents.

⁵⁹Robert L. Campbell, Annual Report of the Territorial Superintendent, 1868, p. 4.

⁶⁰Robert L. Campbell, Journal of the Legislative Assembly of the Territory of Utah, 1870, p. 191.

The Territorial Superintendent's recommendations for both the Normal School and the accompanying scholarships were approved by the legislative assembly.

By 1876 the Legislature passed an act appropriating \$5,000 annually for the benefit of "forty pupils, providing they shall be instructed free of charge, for tuition, books or apparatus for one year in the Normal Department of said University."⁶¹

The need for an increased number of adequately trained teachers continued to exist. In 1888 the law was amended, appropriating ten thousand dollars annually, "provided that 50 pupils shall be . . . instructed free of charge. . . ."⁶² This act was amended in 1896 providing the extension of the normal course may include four years, and making a grant of one hundred free scholarships.⁶³ Further amendment was made in 1899 to include two hundred free scholarships.⁶⁴

Certain tendencies for the University to give teacher training direction continued until after 1900. The legislature of 1905 passed an act requiring the State Normal School to furnish institute instructors.⁶⁵ The State High School Inspector reported in November of 1907 that nine of the counties had held institute up to that time under the instruction of the Normal School Department.⁶⁶ It was only after the state board of education gradually but completely began issuing teacher certificates and giving recognition to teacher training in other institutions comparable with the State University, that the University began to share with other agencies the problem of teacher training control.

Summary

University control has been one of the significant features of centralization of the educational program in Utah. At

⁶¹Laws of the Territory of Utah, 1876, sec. 20. "An Act Providing for the Establishment and Support of District Schools, and for Other Purposes."

⁶²Laws of the Territory of Utah, 1888.

⁶³Laws of the State of Utah, 1896, ch. 83, sec. 5.

⁶⁴Laws of the State of Utah, 1899, ch. 82, secs. 1-2.

⁶⁵Laws of the State of Utah, 1907, ch. 121, sec. 1.

⁶⁶Mosia Hall, "The Educational Outlook in Utah," Utah Educational Review, Vol. 1, No. 2, p. 27.

Nauvoo, Illinois, some seven years before the Mormons arrived in Utah, a City University was established. Complete control of all schools was given to the Chancellor and Board of Regents of the University. Less than three years after the first of the Mormon pioneers arrived in Salt Lake Valley the provisional state government passed an act creating the University of Deseret. From the standpoint of centralizing educational control the latter University was a replica of the one established in Illinois. A Chancellor and Board of Regents were to give general supervision not only to the University as an institution but likewise, to the common schools as they were established in the Utah colonies.

The University of Deseret functioned as a training institution for two years and was then discontinued until 1867, when it was reorganized as a commercial school, and again reorganized in 1869 as an institution giving general academic training. Since that time it has had continuous existence and in general continuous growth. It is by law the head of the State school system.

The University Chancellor and Board of Regents continued to function as an agency of control after the institution became non-existent in 1852. The people of Utah, at an early date, were all Church members. They came a thousand miles from contacts with other civilization to settle a new section of country and live according to their own religious, social, and educational ideals. They were universally a part of a theo-democracy, with an hierarchical form of government. Church government was for a time the only existing government. New colonies were being established under the immediate supervision of a Church official, who in turn was responsible to Church headquarters in Salt Lake City.

The Chancellor and Board of Regents were Church leaders and had close contact with the president of the Church. The plan of University control of all education among a compactly organized group created a system of organization that was highly centralized.

Subject matter content included much of general education, but to be sure, was not void of church theological doctrine. The Regents were required to give general supervision and make inspection throughout the colonies.

One of the major means of educational control was provided in the objective of training teachers for the district and ward schools in order that more uniformity might exist. The Chancellor

and Regents were among the best educated people in the Territory and they participated directly in the training of teachers.

Early records report that the intent of the Regents was to establish branches of the University as needed. One was temporarily established in Provo.

The reorganization of the University in 1869 provided for a "Normal Course" and a "Model School." From this date onward this institution has functioned effectively as the head of the school system through the training of teachers. It has sponsored state institutes and has been financially reimbursed by the Legislature for training students to become teachers. Until the state board of education began some supervision after 1896, the University essentially controlled teacher training and certification.

CHAPTER IV

EVOLUTION OF CONSOLIDATION OF SCHOOLS WITHIN THE COUNTY

Early Development of the District School

The small school district of New England was the pattern of school organization adopted by the pioneer in the new territories and states of the west and northwest. The district was an expression of the democratic ideology that characterized the frontier during the migration following the war of the Revolution. It received new impetus in the changing political economy that displaced restricted land and religious voting qualifications with universal white male suffrage and majority rule. Embedded in the social and political theory that the "common man" must assume an intelligent participation in the various units of government, new justifications for the perpetuation and extension of the small district school arose as the undeveloped land of the federal government was settled by "homesteaders."

Small schools had existed by law in Massachusetts from the eighteenth century,¹ but their greatest development took place as the American pioneer established a new home in the "West." The determination of the settler to have a school within walking distance, and to have his child enjoy what he considered the opportunities of an education, did much toward firmly establishing the small school district in the United States.

This entrenchment of the small school district may be noted by the fact that although the trend is toward increased consolidation of small schools, there are at present more than 127,000 school districts in the forty-eight states, and in 1938 more than 131,000 "one-teacher" schools.²

¹W. H. Gaumnitz, Are the One Teacher Schools Passing? Pamphlet No. 92, p. 5. Office of Education, United States Department of Interior, 1940. (Quotes Massachusetts Law of 1789.)

²Ibid.

The Small School District in Utah

The first residents of Utah came from the New England States where the small school district was already established. The existing common schools in Utah were without legislative authorization until 1852. On March 3d of that year the legislative assembly passed an act creating a school organization for the Territory. The county courts were required to divide the counties "into proper school districts and cause to be elected by the qualified voters in each district, three trustees," whose duty "it shall be to superintend the school in their respective districts."³ This early legislative act made provision for the trustees to assess and collect a tax upon the property within the district "for the purpose of building and keeping in repair suitable school houses."⁴

The small school district became firmly established in Utah following the enactment of this law. The Territory was extremely rural and the young colonies, with the exception of Salt Lake City, were widely scattered. The United States Census of 1850 reports that there was a total of 11,380 people living in the eight counties of Utah, and 2,035 "scholars during the year."⁵ School reports were not kept for the earliest years in Utah, but an analysis of the figures during years to come shows that the school district was small for more than one-half century.

Table 1 indicates the trends in growth in the number of school districts and the average size of schools in number of pupils.⁶ In three different years there were more school districts than schools. During this period of time, 1862 to 1875, the average number of children enrolled per school varied from 52 to 68. Indications are that the actual number of children in attendance

³Acts, Resolutions and Memorials, Passed by the First Annual, and Special Session of the Legislative Assembly, of the Territory of Utah, sec. 1, p. 97. "An Act in Relation to Common Schools."

⁴Ibid., pp. 7-8.

⁵United States Census, 1850, p. 182. Public Documents.

⁶Data derived from Superintendent O. H. Riggs, Territorial School Report, 1874-75.

TABLE 1
TRENDS IN GROWTH IN EARLY UTAH SCHOOLS

Year	Number School Districts	Number Schools	Number Teachers	Number Children Enrolled	Average Number Children Per School	Per Cent Children Enrolled
1862	76	62	102	3,824	62	50
1863	108	132	162	6,163	47	53
1864	144	120	151	6,477	54	54
1865	179	164	225	8,959	55	54
1866	180	199	247	10,412	52	54
1867	186	226	306	12,539	55	58
1868	187	219	298	12,516	57	56
1869	189	243	342	15,100	62	62
1871*	223	268	358	16,992	63	59
1873*	202	251	355	16,070	64	58
1874	224	262	404	17,914	68	54
1875	236	296	458	19,278	65	54

*Data for previous year not available.

was small. Trends toward increasingly larger numbers are in general the same. In 1863 and 1864 there were more than 80 per cent as many schools as there were teachers.

By 1888 Utah had 344 school districts with 460 schools.⁷ The trend in number of school districts thereafter did not increase at the same rate as did the number of schools, the number of teachers, or the number of pupils in school. In 1893 there were 342 school districts and 893 schools.⁸

Problems of the Small District Led Toward Consolidation

The Territorial Superintendent's reports for many years indicate certain problems that existed because of the small school district and the laxness on the part of the school trustees in performing their duty. Moreover, these same reports indicate some leadership on the part of the superintendent, and others engaged in teaching school, toward organizing the school program on a more effective basis. In 1875 the territorial super-

⁷Biennial School Report, 1888-89, p. 15.

⁸Biennial School Report, 1892-93.

intendent complained of the uselessness of the excessive number of small schools and the meager accomplishment as a result thereof. He "earnestly" recommended "but one large commodious public school house in a central location."⁹

The record of 1872-73 states that teachers are "laboring in the gradation of work in the school room, as also in consolidating the districts in towns and cities."¹⁰

The Legislative Assembly had even earlier recognized the problem resulting from the number and location of school districts as a result of the 1852 law. In 1866 an act was passed in which they not only gave the county courts power to consolidate two or more districts into one, but likewise gave the courts power to consolidate districts in adjoining counties.¹¹

As early as 1851 the governor suggested the appointment of a "superintendent of public instruction" who would work for a "uniform system of common schools."¹²

It can scarcely be inferred that the governor at this time anticipated uniformity in consolidated schools as they have later developed, but the facts seem to indicate that from an early date some method of uniformity was thought of and advocated.

In his message to the Legislative Assembly in 1878 Governor Emery emphatically recommended increased consolidation. He asserted that schools were not in accord with the progress of the times. He claimed, "It would be wisdom to divide this city [i.e. Salt Lake City] into--say, six school districts [there were considerably more at the time], with a high school as near the centre as may be convenient."¹³ He further said, "Any system of public instruction which will be beneficial to this city, can be adopted by all the cities and towns in the Territory with like

⁹Biennial School Report, 1875, p. 6.

¹⁰Biennial School Report, 1872-73, p. 18.

¹¹Acts, Resolutions and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah, 1866, p. 219.

¹²"Governor's Message," Journal of Joint Sessions of the Legislative Assembly of the Territory of Utah, 1851, p. 102.

¹³"Governor's Message," Journal of the Legislative Assembly, Territory of Utah, 1878, pp. 33-34.

good results."¹⁴ Emery's justification for advocating consolidation was based upon the fact that Utah had a population living within towns and small cities. In the opinion of the Governor, "No State or Territory in the Union is better calculated to maintain graded schools than Utah, as nearly her entire population resides within corporate limits and towns."¹⁵ A meager amount of consolidation was being effected at this time. In 1879 the Superintendent of Salt Lake County reported to the Territorial Superintendent that the 13th and 18th districts of that county had consolidated "for the purpose of grading schools."¹⁶ This was to have been for experimental purposes, but the County Superintendent advocated its extension to other small districts.

In keeping with the intent of the law, supervisory visits to the schools of the Territory were made by the superintendent and others he called to assist him. It was on the basis of a report submitted as a result of one of these visits that an opinion was expressed toward consolidation. There was some criticism of the inadequate organization of schools existing in Utah. A plea was made for the legislature to provide for "making each county a district,"¹⁷ thereby making county supervision possible. The report said, "We are convinced that a plan making each county a district, with a board of five or six trustees, would give us a much more effective school system; such a plan has many arguments in its favor and is worthy the consideration of our legislature."¹⁸

City Consolidation Becomes Mandatory

A number of factors aided in bringing about county consolidation of the schools. The people who had settled Utah were relatively homogeneous in their social, economic, and religious life. They were part of an ecclesiastical organization that included a large geographical area of country known as a "stake." Frequently this was coterminous with the county. The county was a basic part of civil government, and the county court was given specific mandates in school organization and control.

¹⁴Ibid., p. 33

¹⁵Ibid.

¹⁶Biennial Report of Territorial Superintendent of Utah, 1878-79, p. 49.

¹⁷Biennial School Report, 1880-81, p. 28.

¹⁸Ibid.

People lived in towns and small cities. It was within the town and city that people most frequently expressed themselves in social, educational and religious affairs. The city schools were the first to become "graded" and therein central schools were first erected. Partial consolidation within some cities and towns had existed since 1870. Other cities had complete consolidation for more than a decade preceding 1890 when an extensive revision of the school law was made and consolidation under a board of education became mandatory in cities of the first and second class.¹⁹ The school district and city limits became co-terminous and were placed under the control of a board of education.²⁰ The law prescribed the procedure for the election of board members and for the organization and duties of the board. Among other things leading toward an improved and modern educational program, this law requires the board to "elect a superintendent of district schools who shall not be a member of the board and who shall hold his office for the term of two years and until his successor is elected and qualified."²¹ The law further specified: "The superintendent shall have charge and control of the district schools of the city, subject to the order, rules, regulations, and by-laws of the board of education."²² Provision is made for the election of a clerk,²³ who may or may not be the superintendent of schools.²⁴ The law prescribes the major duties of the clerk as follows:

It shall be the duty of the clerk to attend all meetings of the board, keep an accurate journal of its proceedings, have the care and custody of the records and papers, countersign all warrants drawn upon the treasurer by order of the board, keep an account of all moneys paid to the treasurer on account of said board, and of all moneys paid or orders drawn on the treasurer by order of said board; and at least once in every six months, prepare and cause to be published in a newspaper having general circulation in said city, a statement, under oath, showing; first, the moneys on hand at the date of last report, the moneys received by the treasurer since the past report, and from what source received; second, the amount of sinking fund and how invested; third, the moneys paid out, to whom and for what paid; fourth, the balance of school moneys in the hands of the treasurer; fifth,

¹⁹Laws of the Territory of Utah, 1890, ch. 72, Art. XV.

²⁰Ibid., sec. 100. ²¹Ibid., sec. 105.

²²Ibid., sec. 109. ²³Ibid., sec. 105.

²⁴Ibid., sec. 109.

the number, date and amount of every bond issued and redeemed under the authority given in this act, and the amount received and paid therefore, and perform such other duties as the board or its committees may require.²⁵

The organization of these city boards preceded the date of a central board of education for the Territory or the State. The city boards of education became examining boards for teacher certification.²⁶ The superintendent was chairman of the examining board.²⁷ This board became "a body corporate under the name of 'The Board of Education of the City of _____,'"²⁸

The district trustees in office when the law became effective were required to turn over to the city board of education all school property. In general it may be said that the city boards were given all major duties and privileges for carrying on the administration of a modern city school system.²⁹

The school law of 1890, making mandatory city school systems in cities of the first and second class, became the basis for city administration as it has existed in Utah for one-half century. Moreover, it definitely established a modern educational program for part of the inhabitants of Utah, thereby establishing a pattern and leading the way for the counties of the State.

The First State Superintendent and County Consolidation

Utah became a state in 1896. The constitution made provision for a state board of education and a state superintendent of public instruction. The first State Superintendent was John R. Park. He aggressively began a campaign for county consolidation of schools. In his report to the legislature he capitalized upon the experience of city consolidation. Furthermore, he included data submitted by county superintendents. Superintendent Van Cott of Salt Lake County emphasized the extreme inequalities among school districts. The school year was not of equal length among the school districts, and taxes were paid at different rates.³⁰ In addition, Van Cott said,

High schools are needed. No single district could main-

²⁵Ibid., sec. 108.

²⁶Ibid., sec. 113.

²⁷Ibid.

²⁸Ibid., sec. 114.

²⁹Ibid., secs. 114-118.

³⁰First Report of the Territorial Superintendent of Utah, 1896, p. 14.

tain one, and local interests prevent the union of two or more districts in the establishment and support of such institutions.

In union we shall find not only strength and high schools, but better buildings, better furniture, better apparatus, and the cost of all supplies will be lessened by the difference between retail and wholesale prices.

I recommend, therefore, a school bill providing for the consolidation of all districts in counties like Salt Lake County into a single district, whose schools are to be maintained and controlled by a board of education.³¹

Superintendent Park reported a detailed analysis of the problems arising from the small district plan of school organization throughout the United States. He quoted from nationally known students of education and reported what was being done in sections of the country by increasing the size of the school unit to the "township plan." His recommendation for Utah, however, was not the township plan but the county plan. He proposed to the legislature the need for a law that would include the following provisions:

That each city of the first and second class, and each county, not including the cities aforesaid, shall constitute one school district. That in each district so formed there shall be chose, as prescribed, a board of education in whom shall vest, as trustees, power to administer school affairs therein. That the board shall select a president, a vice-president, a superintendent, a treasurer. . . . That the title to all school property in the district shall vest in the board. . . .³²

Park repeatedly insisted that the proposal he made was not without precedent in Utah since city consolidation had already taken place. More than any other individual, Park advocated county organization and is often referred to as the father of county consolidation of schools in Utah. He enumerated and emphasized the most significant features of consolidation, showing the advantages thereof under subheadings of (1) gradation, (2) simplicity, (3) better teachers, (4) cost, and (5) uniform taxation.

After presenting a lengthy argument for consolidation, Park made a summarization, part of which follows:

1st. The county system would secure just as many schools as the necessities of the community demand, each being an integral part of the one central organization, and at the same time would meet the wants of the particular locality in which it is placed.

2nd. It would dispense with a large number of school of-

³¹Ibid., p. 15.

³²Ibid., p. 19.

ficers.

3rd. It would allow school officers a compensation for their services if necessary, as their number would be greatly reduced, and they would thus afford to spend time and labor in the interest of the schools.

4th. It would establish a more uniform rate of taxation.

5th. It would simplify the school law, and it would thus be better understood and better executed.

6th. It would furnish more uniform and equal advantages to every child and citizen.

7th. It would allow a child to attend where his own interest would be best subserved.

8th. It would prevent strife about district lines.

9th. It would diminish the aggregate expenditures for schools.

10th. It would secure a more efficient system of school inspection and supervision.

11th. It would secure permanency of supervision.

12th. It would secure greater permanency of teachers.

13th. It would secure a better class of teachers.

14th. It would secure better compensation to competent teachers and less employment for incompetent ones.

15th. It would secure better school houses and keep them in better repair.

16th. It would secure better furniture, apparatus and other school appliances, and secure a good public library for each county.

17th. It would enable each county to establish a system of graded schools.

18th. It would result in more uniform methods of teaching, hence greater progress would be made.

19th. It would secure better records and more reliable statistics.

20th. It would prevent nepotism generally, that is, it would secure employment of fewer nephews, nieces, sisters-in-law and objects of charity.³³

Governor Heber M. Wells appeared before the next legislature with the recommendations of Superintendent Park. He enumerated the evils of the small district system and urged that education be studied, and "if it shall be found . . . upon investigation, that the change, if made, would increase the efficiency of the district schools and at the same time diminish the aggregate expense, it should be adopted."³⁴

³³Ibid., pp. 25-26.

³⁴"Governor's Message to the Second Session Legislature of the State of Utah," Public Documents, 1897, p. 15.

In his biennial report of 1898, Superintendent Park once more vigorously urged the attention of the legislature to the problem of county consolidation. He declared, "The evils of the present [district] system and the necessity for consolidation . . . are even more apparent now than they were two years ago."³⁵

Park criticized local trustees for their petty jealousies and their desires to retain control of the schools at a sacrifice of efficiency. He condemned their willingness to allow the county or even the State to give financial support to maintain the schools without effort on the part of the local district. He emphasized the need of control and responsibility for support being vested at the same source. He declared:

If there is a single good feature about the present organization of our schools, it is that the people are required to tax themselves locally for their support. Abolishing the local tax and increasing the State or county levy, while leaving the power in the hands of the local board, would eliminate this one good feature from the present system, while retaining all that is bad in it. Whatever system we adopt, power and responsibility must not be separated. To separate them would be to violate the fundamental principle of public economy, and to bring upon our schools the numerous ills of incompetency and corruption engendered by a vicious system.³⁶

Other Superintendents and Leading Citizens Carry on the Issue for Consolidation

Former State Superintendent Matheson, whose term of office expired immediately preceding the passing of the mandatory county consolidation law, wrote the history of the attainment of county consolidation in 1915.³⁷ Mr. Matheson gives much credit for initiating the program to James H. Anderson and W. W. Wilson who were members of the Salt Lake County Board of Commissioners. These men urged Superintendent Ashton of Salt Lake County schools to propose a plan which would increase the efficiency of the schools and make a more equitable distribution of school money. Mr. Ashton's suggestion was to consolidate the thirty-six districts

³⁵Second Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1898, p. 26.

³⁶Ibid., p. 26.

³⁷A. C. Matheson, "Consolidation of School Districts," The Utah Educational Review, Vol. VIII (May-June, 1915), pp. 6-13.

of Salt Lake County into a greatly reduced number.³⁸ These county commissioners began an active campaign for the consolidation of all small governmental units, including school districts. Working against much opposition, they were successful in 1905 in consolidating Salt Lake County into two districts.³⁹

State superintendents following Park continued the fight toward county consolidation of schools. Mrs. Emma J. McVicker succeeded Dr. Park in 1900. Her recommendations for consolidation were carried by the governor to the legislature with an invitation to give them "favorable consideration."⁴⁰

Again in 1903 the governor's message contains a recommendation for consolidation of schools based upon the superintendent's report. At that time, Governor Wells said, "I especially direct your attention to his [the State Superintendent's] recommendation that the school districts in each county be consolidated into one district, to be under the control of a board of education, consisting of from three to seven members. I agree with him that if this consolidation can be effected, it will do much to simplify, strengthen and economize our present school system."⁴¹

A. C. Nelson became Superintendent of Public Instruction in January, 1901, and held that office until December, 1913. These were the years in which the issue of county consolidation was paramount. The law giving permission to consolidate was passed March 9, 1905, after Salt Lake County in December, 1904, had consolidated into two districts.⁴² Weber County consolidated July 3, 1905,⁴³ and Box Elder County in May, 1907.⁴⁴

The 1905 law is the basis on which county consolidation has taken place. This law made consolidation possible for counties "of the first class," i.e., having a population of more than three thousand individuals between six and eighteen years of age

³⁸Ibid., p. 9.

³⁹Ibid.

⁴⁰"Governor's Message," Senate Journal Fourth Session of the Legislature of the State of Utah, 1901, p. 22.

⁴¹"Governor's Message," Public Documents, State of Utah, 1901-1902, pp. 13-14.

⁴²Matheson, "Consolidation of School Districts," op. cit., p. 9.

⁴³Ibid., p. 10.

⁴⁴Ibid.

exclusive of cities of the first and second class.⁴⁵ In 1911 the legislature revised that part of the 1905 law which pertains to school districts of the first class. A county of twenty-five hundred individuals from six to eighteen now became eligible for consolidation.⁴⁶ The legislature again revised the law in 1913, making a further reduction in the number of school population to be eligible for consolidation.⁴⁷

Superintendent Nelson, like his predecessors, was courageous in the positive stand he took toward the advantages of consolidation of schools. His reports to the legislature indicate something of his work in interpreting the school law, making possible the consolidation of districts.^{48, 49} Nelson urged consolidation based upon the evidence resulting from the success attained in the counties which consolidated under the 1905 law.⁵⁰

In part, his arguments for consolidation of schools in the 1910 report are as follows:

It has been held by this [State school] office and so stated in our previous reports, that consolidation of small districts would equalize school advantages. To repeat, it has been stated that such consolidation would result in an economical administration of the schools. There would be a better grade of teachers employed, a stricter enforcement of the compulsory education law and adequate supply of text-books and apparatus, better school buildings, improved sanitary conditions, a fairer distribution of the funds arising from taxation of corporate property, uniformity in the grading of the schools, a larger number and better qualified supervisors, uniform length of school term, etc.

Reports from the consolidated districts are proving the truthfulness of the above statements. The superintendent of one of these counties writes: 'The tax levy allowed by law under consolidation is smaller than it was before the county was consolidated into one district, yet under consolidation a very material growth has been made without any additional debt being created. . . .'⁵¹

⁴⁵Laws of Utah, 1905, ch. 107, sec. 1.

⁴⁶Laws of Utah, 1911, ch. 135, sec. 1.

⁴⁷Laws of Utah, 1913, ch. 96, sec. 1.

⁴⁸Fourth Report of the Superintendent of Public Instruction of the State of Utah for the Biennial Period Ending June 30, 1902, pp. 286-87.

⁴⁹Eighth Report of the Superintendent of Public Instruction of the State of Utah for the Biennial Period Ending June 30, 1910, Public Documents, p. 457.

⁵⁰ibid., pp. 23-27.

⁵¹ibid., p. 27.

By way of summarizing his evidence and renewing his plea to the legislature, Nelson said,

With unanimity of educational opinion in favor of the larger school district, with conditions in the state calling for further consolidation, and with experience to prove the desirability of the system, permit me to say again what was said in my last report: It is hoped that the legislature which is soon to convene will revise and strengthen the present law wherever it is needed, so that any county, regardless of its school population, may take advantage of the educational benefits offered by consolidation. . . .⁵²

Governor Spry, on January 14, 1913, conveyed his message to the Legislature of Utah and commended the recommendations for consolidation of schools as advocated by Superintendent Nelson.⁵³

As indicated previously, A. C. Matheson terminated his office as State Superintendent of Public Instruction in January, 1915. The law making county consolidation mandatory was passed on March 17, 1915.⁵⁴ Hence Matheson's report to the legislature is the last one dealing with this problem. He, likewise, continued on the positive side of the consolidation issue. The 1905 law had been amended, making it possible for counties of smaller population to consolidate. In 1914 Matheson recommended "the law should be amended so as to permit a county to consolidate its school districts without requiring it to have a certain school population."⁵⁵ In his report Matheson said, "Because Utah is one of the foremost states in consolidated schools, this office receives many inquiries relating to the question."⁵⁶ As a result of these inquiries, Matheson prepared a circular reporting the status of consolidation in Utah. The contents of this circular became part of his biennial report.⁵⁷ He emphasized particularly the fact that consolidation (1) makes possible effective supervision, (2) improves practices of economy in expenditures of money and distribution of supplies, and (3) dispenses with the service of unnecessary school officials.⁵⁸

⁵²Ibid.

⁵³"Governor's Message," Public Documents, State of Utah, 1911-12, pp. 13-14.

⁵⁴Laws of the State of Utah, 1915, ch. 78, sec. 1.

⁵⁵Tenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1914, Public Documents of Utah, p. 19.

⁵⁶Ibid., p. 35. ⁵⁷Ibid., pp. 35-38. ⁵⁸Ibid., pp. 37-38.

The Influence of the High-School Movement
Toward Consolidation

Early development.--High Schools in Utah have made almost their entire growth during the twentieth century. If one can judge by the names of courses, subject matter now commonly taught in high school was likewise taught in the early history of the State, but without the organization of the high school as it is known today.

The state superintendent's biennial report lists a four-year course of study for the high schools of Salt Lake City in 1896-97.⁵⁹ This same report has listed five counties and two cities having high schools.⁶⁰ Growth in high schools and high-school attendance in Utah was slow and of little consequence until after 1900. In 1898 only 68 pupils completed high school. In 1899 the number was 131. Two years later there were only 132 high-school graduates.⁶¹ In 1901 fifteen pupils were graduated from high schools in Utah, exclusive of cities. High schools were listed at that time in only two counties.⁶² By 1905 high schools were located in eight counties. In that year there were graduated seventy-six pupils from these high schools and one hundred and five from the city high schools, making a total of one hundred and eighty-one high-school graduates for the entire state.⁶³ The growth in number of schools and pupils attending was constant, although the numbers were small until after increased legislation was enacted that gave financial encouragement for high-school expansion. By 1912 the counties had exceeded the cities in the number of graduates. The former had two hundred and fifteen and the latter one hundred and sixty-nine.⁶⁴ Within two years (by 1914), there were 7,441 pupils in high school, and

⁵⁹Biennial Report of the State Superintendent of Utah, 1896-97, Public Documents, p. 207.

⁶⁰Ibid.

⁶¹Fourth Report of the Superintendent of Public Instruction of Utah, 1902, p. 31.

⁶²Utah School Report, 1901 (Statistical Division), p. 10.

⁶³Utah School Report, 1905 (Statistical Division).

⁶⁴Utah School Report, 1912 (Statistical Division).

the number of graduates had increased to 640.⁶⁵

The State High-School Inspector of Utah, in 1913 reported the growth for the past ten years in this State had been much more extensive than that throughout the nation as a whole.⁶⁶

TABLE 2

TRENDS IN HIGH SCHOOL GROWTH IN UTAH OVER
A TWENTY YEAR PERIOD*

Year Ending	Number of High-School Graduates	Per Cent Graduates Increased over 1918	Per Cent High-School Enrollment is of Total Enrollment
1918	930	..	9.16
1920	1,159	25	12.14
1922	1,674	80	15.97
1924	2,304	148	17.90
1926	3,073	230	19.00
1928	3,567	284	20.53
1930	4,358	369	21.52
1932	5,755	519	27.27
1934	6,689	619	29.13
1936	7,424	698	30.07
1938	7,555	712	30.33

*Data derived from Utah School Report 1936-38, pp. 91-92.

Legal provision for high school development.--The Territorial Superintendent expressed an opinion for the need of high schools in the Territory in 1883. His comment was,

In consideration of the remoteness of many of the towns and cities of the Territory from the University of Deseret, and schools of high scholastic character; and of the inability of the great majority of the population to send their children away from home to attend these schools, . . . we are led inevitably to a conviction of the desirability of establishing schools of higher grade in close proximity to the homes of our rural population.⁶⁷

Provision was made by law the following year (1884), by which high schools could be established in communities having a minimum population of twelve hundred. This required a majority vote of the taxpayers of the district. The law made it possible

⁶⁵Utah School Report, 1914 (Statistical Division).

⁶⁶Mosiah H. Hall, "The Public High Schools of Utah," The Utah Educational Review, Vol. VI (April-May, 1930), p. 53.

⁶⁷Territorial School Report, Public Documents of Utah, 1882-83, pp. 18-19.

to "establish and maintain a graded school, or a graded department in a school in such district, in which pupils may be instructed in higher branches of education than those usually taught in the common schools."⁶⁸

During the next few years leaders in education began to urge the enactment of legislation that would enable not only counties to consolidate for high-school purposes, but it was likewise proposed that the more rural counties of the State unite for that purpose.

In 1893 Mr. G. M. Marshall of the University of Utah said,

There are few cities or towns in Utah as yet able to maintain a High School. This could be easily provided for by the establishment of a High School in each county. In the sparsely settled regions the high school could be maintained by a group of counties. These schools would naturally be located at the most populous centres and should be supported by county treasures.⁶⁹

As already indicated, Dr. Park was very enthusiastic about consolidation of schools. He did not limit his interest to elementary schools alone. His report of 1896 contains an appeal to the legislature to enact such legislation that would make high-school consolidation possible.⁷⁰

The Territorial Legislative Assembly passed a comprehensive school law in 1890 but amended it in 1892 and gave the trustees of any school district with a population in excess of 1,500, if authorized by a majority vote of the taxpayers of the district, the right to "establish and maintain a high school, in which pupils may be instructed in higher branches of education than those usually taught in the district schools. . . ."⁷¹ Permission was likewise given to unite two or more counties for high-school purposes should the population not be sufficient within any one.

In 1896 the first state legislature enacted such law as was needed to establish a state school system. That section of

⁶⁸Laws of the Territory of Utah, 1884, sec. 1.

⁶⁹G. M. Marshall, "The Public School System of Utah," The Utah Monthly Magazine, Vol. IX (April, 1893), p. 266.

⁷⁰First Report of the Superintendent of Public Instruction of Utah, 1896, p. 38.

⁷¹Laws of the Territory of Utah, 1892, sec. 51a, "An Act to Provide for a Uniform System of Free Schools Throughout the Territory."

the 1892 law pertaining to high schools was incorporated into the law of 1896. The following year the legislature amended the law giving permission for two or more contiguous districts to unite and form a high-school district but requiring the electors to "vote by ballot for or against the organization of a high-school district."⁷²

The 1897 law provided for the trustees and superintendent to constitute a board of trustees for the high-school district. This board was authorized to "order to be raised annually on the taxable property of the district a tax of one-half of one per cent for the support of the high school; and a special tax not to exceed two per cent per annum may be levied by a majority vote of the qualified electors of the high-school district."⁷³

This law was changed but little in 1898. In 1901 it was amended to allow trustees of any school district "having a population of over one thousand" if authorized by a majority vote of "the property tax payers to establish and maintain a high school."⁷⁴

Additional amendments to the high-school laws were relatively insignificant until 1911. At that time the law was so amended that it made each county within the state, except those counties already so constituted, a high-school district. The county superintendent was required to report to the county commissioners within sixty days his opinion as to whether the county should remain one high-school district. If more than one high-school district were included he was required to recommend to the board of county commissioners a plan of subdividing the county into high-school districts. Procedure was prescribed in which, after proper advertisement, the county commissioners were to have a full hearing of the question and they were then required to make decision as to high-school district boundaries. The law provided for a board of education of each high-school district to consist of the county superintendent of schools and one member of the board of trustees from each common-school district within the high-school district. This board was required to organize and to operate schools with full authority and power vested in them for the administration of this class of school. Probably the most

⁷²Laws of Utah, 1897, ch. 49, secs. 15-16.

⁷³Ibid., sec. 18.

⁷⁴Laws of Utah, 1901, ch. 82, sec. 1.

important feature of the 1911 high-school law was the fact that a state tax of "one-half mill on each dollar of valuation" was levied "for high-school purposes."⁷⁵ This law provided for the state board of education to establish standards upon which the high-school revenue from the state tax might be paid to local high-school districts.⁷⁶ In 1915 high-school districts became coterminous with other districts and in general the county became the unit of organization.

A number of factors contributed to the rapid growth of high schools in Utah in the years following 1911. It was a time when high-school growth was rapidly taking place throughout the nation; compulsory attendance laws were passed; children were being taken out of industry and placed in school. By 1919 Utah required every normal child to attend school until 18 years of age, completion of high school, or the time of marriage. The state high-school tax, however, was among the major causes for the establishment and maintenance of high schools. The evidence for this statement may be accounted for in the fact that the State paid an excess of \$20.00 per year for each high-school student.

Consolidation of districts for high-school purposes in Utah has been one of the major phases of the greater problem of consolidation of schools. The establishment of high schools at central areas created an enlarged community center. Pupils attending such schools influenced the thinking of their parents toward larger school districts.

The achievement of county consolidation of schools in Utah was not an easy task on the part of those who worked for its attainment. Enmity became intense and a great deal of ill-will was created. In spite of the fact that Utah had many advantages conducive to consolidation that may not commonly exist in other states, it was an accomplishment that required great educational leadership for two generations. Mr. D. H. Christensen was serving as a county superintendent of schools at the time consolidation took place and has written the opposing attitude of one group. He reports the incident as follows:

The debate was bitter. It was vehement. . . . The following resolutions were adopted with only three dissenting votes and in a surprisingly short time over one thousand sig-

⁷⁵Laws of Utah, 1911, ch. 29, sec. 1.

⁷⁶Ibid., secs. 1-9.

natures were attached:

To His Excellency, the Governor, and Legislative Assembly of the Territory of Utah:

In view of the fact that our excellent educational standing in this territory is largely due to the beneficent provisions of our present school law which recognizes the wishes and will of the people.

Therefore we are strictly in favor of its continuance and do solemnly protest against the passage of Council Bill No. 58, entitled 'A Bill to Provide for a Uniform System of Education,' now pending before your honorable body, for the following reasons:

IV. Because the proposition to unite the various school districts of each county--except cities of the first and second class--into one school district, is, under our present conditions, unwise, unnecessary, and injudicious, and will, we believe, complicate our present financial condition and injure the cause of education.

V. Because said school district is to be placed under a board of nine members, who necessarily cannot be residents of the districts as now organized, and therefore will not be in direct touch with the growing interests and constant demands of each distinct part of the contemplated new district.

VI. Because it is a direct thrust at the vital principle of local self-government in that it deprives the citizens of the school districts, as now established, of their right to elect their own officers, and through them, engage teachers of their own choice.

VII. Because it imposes bonded and other indebtedness upon the inhabitants of certain school districts contracted by others.

VIII. Because the passage of the bill will create disorder, disturb the excellent results of the present, introduce un-American obligations, and foist upon the people, those not of their immediate choice, against all of which, we earnestly protest.⁷⁷

This attitude is probably typical of that which existed in many communities and portrays their zeal toward "local self-government" and the right "to elect their own officers."

The Administration of the Local Unit of School Control Since Consolidation

Three significant laws have brought about consolidation of schools in Utah. These are (1) the law of 1890, making consolidation mandatory in cities of the first and second class; (2) the law of 1905, making possible county consolidation in "districts

⁷⁷D. H. Christensen, "Consolidation of Schools," Utah Educational Review, Vol. 25, November 3, 1931, pp. 103-104, 136.

of the first class," and (3) the law of 1915, making consolidation mandatory in all counties and placing the high-school districts and elementary-school districts under a single board of education.

These several laws have made provision for the installation of a board of education for each of the forty school districts within the state. Such boards of education are, by law, responsible for the operation of the public schools within their respective districts.⁷⁸ The statutes give them the necessary authority to do all of those things essential to establish and maintain schools. Boards of education have functioned in this manner with slight modifications since the consolidation laws were passed.

These boards are required by law to appoint a superintendent of schools,⁷⁹ a clerk and a treasurer,⁸⁰ and may appoint "other necessary officers."⁸¹

Consolidation of Schools by Local and State Boards of Education

Boards of education, generally seem to have interpreted the consolidation laws as an authorization not only for consolidating a larger unit for purposes of educational control, but likewise, for the consolidation of as many small schools within the district as may be feasible. The Supreme Court of the State⁸² has sustained local officials in closing small schools for purposes of consolidating two or more school units. Attorney generals have given opinions which sustain the authority of local boards on this matter. Attorney General Parker informed the state board of education, "the action of any district Board of Education (in consolidating schools) could not be reviewed or modified."⁸³

A more recent ruling of an attorney general has been made which emphasizes both the authority of the local board of education in consolidating or eliminating schools, but which likewise, expresses an opinion that it is the duty of the state board to

⁷⁸School Laws of the State of Utah, 1939, ch. 11.

⁷⁹Laws of Utah, 75-11-11.

⁸⁰Laws of Utah, 75-11-3.

⁸¹Laws of Utah, 75-11-10.

⁸²Bishop v. Morehouse, 112 Pac. 169, 38 Utah 234.

⁸³State School Board Minutes, November 5, 1930, pp. 8-9.

sustain the local boards in its action. In part this ruling states:

While the language of the statute has been changed from time to time between 1907 and the revision of 1933, with respect to the powers of local boards of education to consolidate or eliminate schools whenever they may deem it advisable, I am of the opinion that the present working of the law, . . . is sufficiently comprehensive to delegate to the local boards of education that type of judgment and discretion. . . .⁸⁴

In answer to the question as to what authority the state board has "under the law when a local board of education asks for support in consolidation or elimination of schools," the Attorney General replied, "The State Board of Education clearly has not only the authority, but the duty of supporting a local board of education in the consolidation or elimination of schools."⁸⁵

The State Board of Education has given co-operation from the state school office whenever possible increased consolidation seemed feasible. This body established a definite policy on the problem of consolidation in one of its regular meetings. The minutes of October 13, 1938, state: "It was moved by member _____ and seconded by member _____ that it be the policy of the State Board of Education to favor consolidation wherever greater efficiency and improved educational opportunity would result. . . . This motion carried unanimously."⁸⁶ Their minutes of July 18, 1939, give authorization to the state department of public instruction to make a survey of a given school district, "looking toward the best possible arrangement for (a) consolidation program. . . ."⁸⁷

This survey which was later made is somewhat typical of the work the state department is doing in its efforts toward a solution of the problem associated with the small school.

Part of the recommendations of the survey committee follows:

⁸⁴State Superintendent's "Items for District School Superintendents, 1939." Department of Public Instruction. Pp. 890.

⁸⁵Ibid., p. 890.

⁸⁶Minutes of the State Board of Education, Vol. II, October 13, 1938.

⁸⁷Ibid., July 18, 1939, p: 244.

We strongly urge further consolidation within this district. In the first place the County ought to be made into one district. Summit County could and would be one of the most favorable districts in the State. It is relatively compact, relatively wealthy, relatively close to the center of the State. It would be a Class A school district, even though you maintained your present number of high-schools, which, we so recommend. . . .

Also, within the present South Summit School District small schools adjoint to larger schools are expensive, less efficient and seriously handicapped for a modern educational program. The total possible elementary enrollment in all schools is 279 for the school year of 1939-40. True economy and the provisions for a complete educational program make it desirable to organize minimum attendance units of from 300 to 500 pupils. There is no more reason for children to be housed any longer in such small schools than for their parents to burn tallow candles.

The small schools cost more and return less. South Summit is particularly fortunate in its good roads and short distances and homogeneous people. Our first recommendation is to consolidate all elementary schools into one unit at Kamas, just as has been done in secondary schools. . . .⁸⁸

A similar survey was made of Carbon County by this same commission from the state school office, and somewhat similar recommendations were made. Concerning the junior high schools the commission said:

Many small junior high schools within a district are a distinct hindrance to good schools. Local pressures demand that whatever is given to one school must be given to all whether they need it or not or whether they will use it. Often the school board in desperation, is driven to hold back from supplying some schools badly needed provisions rather than appear to favor certain schools above others. Further, small schools do not and cannot offer the rich offerings nor dynamic leadership of pupils and teachers found in larger schools.⁸⁹

Considerable pressure has been exerted by the state board of education for consolidation of small schools. This board is required by law to approve "one" and "two-teacher" schools before such schools are eligible for participation in certain school funds. They have at times refused to make such approval, because other larger schools could be made available through transportation.⁹⁰

⁸⁸David Gourley, B. K. Farnsworth, and Jennie Campbell, "South Summit School District Survey, 1939." MS.

⁸⁹David Gourley, B. K. Farnsworth, and Jennie Campbell, "Survey of Carbon County School District, 1939." MS.

⁹⁰Minutes of the State Board of Education, April 2, 1940, Vol. II, p. 268.

Early Evaluations of Consolidation

The first consolidation of schools in Utah into one larger unit of organization, including what had been a number of small school districts which were placed under a board of education, was provided for by law in 1890 and took place in Salt Lake City immediately thereafter. The annual reports of the first years of consolidation show that obstacles in reorganizing the school finance and adequately housing the children were serious problems. In spite of these initial difficulties, the president of the board of education predicted, "The future will be easier." He further said that during the course of a single year,

Courses of study have been established, the grading of pupils made and a large and gratifying measure of success has attended the work.

There has been less friction than might have been expected in the welding of twenty-two districts into one.⁹¹

Progress resulting from consolidation within this city evidently existed from its first year under a single board of control. The second Salt Lake City report states:

This, the second annual report of your president is much more satisfactory than it was possible to make the first.⁹²

An editorial in the Utah Educational Review shortly after county consolidation contains praise for the results of this reorganization. It was claimed that within a year supervision had greatly improved, teacher's tenure had entered a new status, teacher's salaries were advanced, better systems of grading were effected, local strife was eliminated, better apparatus and supplies were purchased and many new and enlarged buildings were being constructed.⁹³

An examination of the state superintendents' reports following 1915 indicates that in the opinion of these individuals consolidation was advantageous to Utah. The state superintendent said in his 1915-16 biennial report:

⁹¹First Annual Report, Salt Lake City Schools, Ending June 30, 1891, p. 15.

⁹²Second Annual Report, Salt Lake City Schools, Ending June 30, 1892, p. 13.

⁹³Utah Educational Review, Vol. IX, No. 4 (December, 1915).

The most notable advance in recent years in the work of school administration is the adoption by the State as a whole by what is known as the enlarged or county unit of organization.⁹⁴

Elsewhere in the same report the superintendent refers to the fact that consolidation had taken place in certain areas of the state earlier than in other areas, and speaks of those first districts as being "so satisfactory that the enlarged unit of organization was adopted for the remainder of the State by legislative enactment." In this report the state superintendent claims that as a result of the county unit system of school administration "school opportunities have been nearer equalized and the financial burden of supporting the schools has been placed upon a more equitable basis."⁹⁵ In his opinion, opposition to consolidation in the twenty-five new county districts created in 1915 existed but for a short time. He asserted, "the benefits in the way of economy and efficiency are already so evident that opposition to the new plan has practically disappeared."⁹⁶ His report indicates that better supervision was given, that higher standards were established, and that teachers were more anxious to attain greater efficiency. Consolidation had, in his opinion, produced a higher standard for teacher certification than had formerly been known within the State.

Over a period of years these state superintendents continued to acknowledge the advantages they attributed rather directly to consolidation of schools. In the biennial report of 1919-20 the superintendent, writing under title of "Educational Progress of the Last Ten Years," said:

A little more than ten years ago in a notable address delivered by Dr. George Thomas [present President of the University of Utah], President of the Utah Educational Association, before the teachers in their meeting declared,

.....

Today as a result of the law passed by the 1915 legislature and the successful working out of the consolidation plan in a few counties every county in the state has consolidation of administration with all of the advantages which that system possess. These advantages may be summarized as follows:

The elimination of a large number of more or less inefficient school trustees and the substitution in each enlarged district of a board of education of five members more carefully

⁹⁴State Superintendent's Biennial Report, 1915-16.

⁹⁵Ibid.

⁹⁶Ibid.

selected and generally better qualified.

The election by this board of a well qualified superintendent selected because of his professional qualifications.

The better administrative control of high schools which are now an integral part of the system of schools in each district controlled and supervised by the same board and same superintendent.

More uniform distribution of educational advantages throughout the whole district.

More economical purchasing of supplies and material by a well-qualified purchasing agent or committee of the board, purchasing for the whole county in place of the indiscriminate methods that would necessarily be followed by twenty or more boards of trustees.

The equalization of the school tax within the county.

Better and more careful supervision of instruction and more efficient training of the young recruits among the teachers.

Abandonment of many one-room schools and the substitution of first-class graded schools with transportation of pupils.

Large increase in enrollment because of the better schools made possible.⁹⁷

Again in the 1921-22 biennial report, the state superintendent asserted:

We are to be congratulated in the state on the degree of perfection to which we have brought the organization of our school system. We have only forty school districts in the entire state including the cities of the first and second class. . . . This limited number of districts makes for a distinctively working organization not paralleled by any other state. It gives a real opportunity for efficiency in school service.⁹⁸

The state superintendent has in the biennial report of 1925-26 attempted to show the progress that has been made by the consolidation of small school districts into county and semi-county school organizations. He said:

The experience of the last ten years shows that the view of those favoring the consolidation plan have been quite fully substantiated.⁹⁹

⁹⁷ Thirteenth Report of the Superintendent of Public Instruction of the State of Utah for the Biennial Period Ending June 30, 1920, pp. 7-10.

⁹⁸ Report of the Superintendent of Public Instruction of the State of Utah, 1921-22.

⁹⁹ Report of the Superintendent of Public Instruction of the State of Utah, 1925-26.

In 1928 the State Superintendent stated:

From the view of our organization Utah has an enviable position among the sister states. Its town and village schools are administered to by district boards of education, thus providing a form of school organization for the rural, agrarian and industrial communities that parallel that provided for large and compact cities.¹⁰⁰

In this biennial report the state superintendent included a series of reports from county superintendents. A number of these refer to consolidation and its relation to transportation. Some examples of the opinions of these various county superintendents on this problem are as follows:

Superintendent_____from Box Elder district said:

The arguments for consolidation are as good in the days of improved roads and better conveyances as they were when horse drawn wagons had to be depended upon for most of the transportation of pupils to schools. The rural schools of Box Elder are being much improved through the process of further consolidation to meet present day conditions. . . . The people in various communities have seen the better opportunities afforded in large schools and have expressed themselves favorably for the elimination of the small school wherever possible.¹⁰¹

Superintendent_____of Morgan district declared:

Transportation is one of the larger responsibilities of the district. More than one-half the students in the district, including grade and high schools, receive transportation service daily. Through consolidation and bus service, all one-teacher schools have been eliminated.¹⁰²

Superintendent_____of Jordan district said:

We now operate seventeen school motor buses owned by the district. . . . Most all these buses make double trips, handling two loads of students each morning and evening. . . . In addition to the fleet of buses owned by the district, over twenty privately owned and operated school vans are in the service of the board. These handle the greater number of pupils who live beyond the two mile limit from school. . . . Upwards of 1800 students are transported and all transportation is free.¹⁰³

Approval of consolidation is not limited to state and local school superintendents. The Governor of Utah in 1934 appointed an investigating committee on units of government. After this committee had given the report in which it recommended centralization for several governmental administrative activities, the Governor in his message to the legislature in 1935 said:

¹⁰⁰Report of the Superintendent of Public Instruction of the State of Utah, 1927-28.

¹⁰¹Ibid.

¹⁰²Ibid.

¹⁰³Ibid.

It is proposed that it [centralization in administration] be used in connection with the operation of the school system. . . . I am heartily in favor of maintaining the present high educational standards of the public schools of Utah. This state has already progressed further than most states in the centralization of school administration and with good results.¹⁰⁴

Summary

The small school district was brought from New England by the first permanent white inhabitants of Utah and became the established plan of school organization. The legislature in 1852 authorized the county courts to divide the county into school districts and to provide for the election of three trustees to establish and maintain schools. For more than a half century the district trustees gave local administration to education. There were two other school administrative officers--a territorial superintendent from 1850, and a county superintendent in each county beginning in 1860.

The office of the territorial superintendent was created for the purpose of developing "uniformity" in the schools. This official took the initiative in establishing larger school units within a given district, and in combining two or more districts where possible. Annual and biennial reports, written by the superintendent to the various legislative assemblies contain numerous arguments favoring consolidation of schools.

Several of the governors of the State endorsed the recommendations from the superintendent and urged the legislative bodies to enact legislation providing for consolidation.

Cities of the first and second class initiated a program of consolidation and in 1890 the legislature made consolidation mandatory in these cities. This law provided for a modern system of educational administration. A board of education was given authority to organize and administer the school program. A superintendent was selected by the board as an executive officer for the actual operation of the schools.

The pattern of consolidation, once established, became a model for those interested in the progress of education.

Trustees, lacking in vision or willing to sacrifice educational efficiency for a petty office, vigorously opposed the

¹⁰⁴"Governor's Message to the Legislature of the State of Utah," Public Documents of Utah, 1935.

consolidation movement. They were supported by certain citizens who were unwilling to lose the neighborhood school and who feared centralization of authority.

County officials in Salt Lake County launched an educational program for consolidation during the first few years following 1900. The state legislature passed an act in 1905 making county consolidation optional. Several counties in the next few years used this law as a basis for the establishment of a county school organization. In these counties a county board of education was elected. This board in turn selected a county superintendent and gave him authority to organize the schools of the county and put into operation policies of the board of education.

The results of these county organized schools were soon observed. Reports from the several superintendents were published. The state superintendents, supported by other educational and civic leaders, continued the urge for a state-wide county-school organization. The legislature made consolidation mandatory throughout the State in 1915.

The high-school movement in Utah was important in present county-school organization. It developed during the last years of the nineteenth and first years of the twentieth centuries. By 1911 its growth became more rapid. High schools and elementary schools had been under separate boards of education. New legislation was enacted at that time that gave state aid to high schools. The larger district of the high schools aided in enlarging community boundaries and interests, and thereby contributed toward a removal of the extremely localized educational ideology resulting from the district school organization. With mandatory consolidation all schools (in the county), both elementary and secondary, came under a single board of education.

The state school reports indicate that for seventy years the educational leadership of Utah has advocated consolidation of small adjoining schools. Utah is, and has been, a State essentially of towns and small cities, where most schools have been of sufficient size to enjoy a "graded" organization. Throughout these years, however, state school leaders have advocated the elimination of rural schools. The state school office is continuing to make school surveys to assist local boards of education to make increased consolidation. The supreme court has instructed the state board of education that it is the State's duty to sup-

port local boards in continued school consolidation.

Equalization funds from state revenue may be paid to local boards only upon approval by the state office of local "one" and "two-room" schools. The policy of the state board is to approve only such of these schools as may not profit by consolidation with other schools.

Evaluations are measured by the opinions of state and county superintendents, and certain objective evidence, uniformly favor county consolidation of schools for Utah.

CHAPTER V

THE COUNTY AS A UNIT IN CENTRAL CONTROL OF EDUCATION

The County Civil Government as an Agency in School Organization

The county as a unit of government in Utah has existed during most of the history of the Territory and the State. It has been a relatively strong unit in comparison to county governments in some other states. The various county offices have had certain influence in the development of the educational program. Utah has long been considered one of the strong county school systems. The New England type of town and the Mid-west township as a part of civil or school government are unknown in Utah.

The first general school law establishing an organization of schools for the Territory as a whole was passed by the legislative assembly in 1852. This Act¹ gave the county courts specific responsibility in relation to the establishment of schools throughout the Territory. It became the duty of the county courts to divide or cause to have divided the various counties into appropriate school districts, and to cause to have elected within each school district three trustees who were to erect school houses and establish schools. The county court had no direct administration over the schools, but it was given the responsibility of initiating the procedure for school organization. The same law gave the county court the responsibility of appointing within the various counties a board of examiners composed of three competent men "whose duty it shall be to hear, and determine the qualifications of school teachers."² In 1854 the legislative assembly amended the school law but the responsibilities of establishing school districts throughout the counties and ap-

¹Acts, Resolutions, and Memorials, Passed by the First Annual and Special Sessions of the Legislative Assembly of the Territory of Utah, 1852.

²Ibid., sec. 3.

pointing the examining committee remained with the county for many years to come.

County Government Aids Toward School Consolidation

The fact that the county in Utah Territory was recognized as a rather well defined and strongly organized unit of government did much toward aiding county consolidation. As indicated, the county courts were responsible for dividing the county into school districts. The county court was responsible for appointing the examining committee and until provided for by the general election, the county court was to appoint the county superintendent of schools. The law of 1866 gave the county court a signal responsibility tending toward consolidation by empowering the court to change the boundaries of school districts, "or consolidate two or more into one." In cases where "settlers" were living near two or more county lines consolidation may take place and a consolidated district be effected by the mutual agreement of the county courts of the counties concerned.³ Later the county commission was given authority to consolidate schools. In 1911 a law was passed empowering the county commissioner to change school boundary lines. It was authorized to create into a school district any territory not already so created or to create a district out of one or more districts in existence. In the creation of new districts the commission was authorized to adjust "property rights and [tax] burdens" and to "reapportion taxes already voted."⁴

For the purposes of assessing and collecting school revenue the county was early used by the schools. The fiscal relationship of the Territory and the county may be noted by a revenue act passed by the legislative assembly in 1878. At that time the "Governor and Legislative Assembly" levied and directed to be assessed and collected, annually "an ad valorem tax on all the taxable property in the Territory of Utah, as follows: three mills on the dollar for Territorial purposes; three mills on the dollar for the benefit of district schools; and such sum as the

³ Acts, Resolutions and Memorials of the Territory of Utah, 1866, sec. 3.

⁴ Laws of Utah, 1911, ch. 13, sec. 1.

County Courts of the several Counties may designate for county purposes, not to exceed six mills on the dollar. . . ."⁵ Specific illustrations may be noted in case of the tax on railroads. In 1872 the legislative assembly passed an act saying, "that all school taxes levied upon any railroad company in this Territory, shall be reported to the County collectors in the respective counties, and be by them collected at the same time and the same manner as prescribed for the collection of Territorial and county taxes."⁶

The Status of the Early County Superintendent

The history of education in Utah indicates that the county superintendent has had one of the very important school positions. His office has developed gradually and at present has considerable import in Utah's county system of education. The legislative assembly passed an Act on January 20, 1860, "creating the office of County Superintendent of Common Schools, [and] defining his duties."⁷ This Act provided for the county court in each of the counties to appoint a county superintendent of common schools. He was to hold his office until the next general election at which time, and "at every general election thereafter, each county shall elect a competent person to fill the office of county superintendent of common schools, who shall hold his office until his successor is elected and qualified."⁸

The newly created official was to qualify by taking an oath to perform faithfully the various duties of his office. He was required to give bonds with security that were to be approved by and filed with the probate judge of the county. In case of the forfeiture of the bonds the benefits were to go to the county treasurer for the benefit of the common schools of the county. The law prescribed the duties of the county superintendent. He

⁵Acts, Resolutions and Memorials of the Territory of Utah, ch. 8, sec. 1.

⁶Acts, Resolutions and Memorials Passed and Adopted by the Legislative Assembly of the Territory of Utah, 1872, ch. 16, sec. 1.

⁷Acts, Resolutions and Memorials Passed by the Legislative Assembly of the Territory of Utah During the Ninth Annual Session, 1860, ch. 6, sec. 1.

⁸Ibid.

was required:

1st, To take the general supervision of schools in his county; 2nd, To visit officially, at least once in each year, the schools under his supervision, and see that the school trustees are diligent in the discharge of their duties; 3rd, To superintend in the manner and to the extent to be prescribed by the law, all business matters connected with the public school domain within his jurisdiction; 4th, To keep a correct account with the county treasurer, and also with the trustees of school districts, of all funds received or disbursed for school purposes; 5th, To audit all school accounts against the county treasury, and deliver his warrant for payment thereof; 6th, to make an annual report to the Territorial superintendent of common schools on or before the first Monday in November in each year, stating the particulars contained in the trustees and teachers' reports.⁹

The significance of this law is seen only in the light of the manner in which the educational program has developed. One of the important features in bringing about county consolidation of schools was the requirement made by law of the county superintendent to "see that the school trustees are diligent in the discharge of their duties." This gave the superintendent some supervisory control over them. In the years to come the county superintendents repeatedly complained about the lack of interest and effort on the part of the local trustees. This undoubtedly did much to eliminate the trustees, and over a half century later to establish a complete county consolidation organization. It is likewise important that the county superintendent had charge of "all business matters connected with the public school domain within his jurisdiction." Such responsibilities tended to influence the election of individuals in whom the voters could put their trust to furnish leadership in the educational program. Still another important part of this law was the relationship between the county and the territorial superintendents. The former was required by law to make an annual report to the latter. This part of the law pointed the way in which school organization was to develop in Utah and was the significant beginning of centralization of educational organization. Provision was made by this law, and forms were provided on which the trustees were required to report to the county superintendent. Similarly, teachers were required to report to the county superintendent, thereby establishing a line of authority from the territorial superintendent

⁹ Acts, Resolutions and Memorials Passed by the Legislative Assembly of the Territory of Utah, During the Ninth Annual Session, 1860, ch. 6, sec. 3.

to the county superintendent, thence to the local trustees and teachers on the one hand, and directly from the county superintendent to the teachers on the other.

The legislative assembly amended the law of 1860 in 1862, but significantly enough, made school organization more compact by making the relationship closer between the county and the territorial superintendents. The later law required the county superintendent to enter in the record "every official return made . . . by the school trustees and school teachers, and keep the same in their offices subject to the inspection of the Territorial Superintendent and the County Courts"¹⁰ of the various counties.

The legislative assembly made certain modifications of this law in 1865. The relationship between the county and the territorial superintendents was increased. This law added an additional report-form for the county superintendent to report to the territorial superintendent. The new law provided that the territorial and the county superintendents were to decide on what textbooks were to be used. The county superintendent was now authorized to regulate "the school terms, allowing such holidays and vacations as in their judgment shall be advisable."¹¹ In case of death or resignation of the county superintendent the territorial superintendent was authorized "to fill the vacancy by appointment."¹²

The amended school law of 1866 made very little difference in the legal requirements of the county superintendent. There is apparently some strengthening of his responsibility in handling of the school finance. The 1868 law authorized and required the county superintendent to proceed against all "delinquent County Pound Keepers or other parties who have failed or shall fail to pay into the respective County Treasuries the school funds due to said treasuries, or which may hereafter become due arising from the sales of estray cattle or from any other sources and shall pay all amounts thus collected into said treasuries."¹³

¹⁰ Acts, Resolutions and Memorials Passed by the Legislative Assembly of the Territory of Utah, During the Eleventh Annual Session, 1862, sec. 3.

¹¹ Acts, Resolutions and Memorials Passed by the Legislative Assembly, 1864-65.

¹² Ibid., sec. 13.

¹³ Ibid., sec. 5.

The Professional Development of the County Superintendent

An examination of the early records clearly indicates that the county superintendent soon surpassed the local trustee as an effective officer in school administration. The territorial superintendent reported to the legislature in 1866 that,

Much apathy and indifference exists with trustees, inso-much that unless the county superintendent acts with the most unwearied diligence complete reports will never be obtained.¹⁴

Such complaints were duplicated in subsequent reports. The following year he said that the failure of the trustees to do their legal duties "is reprehensible."¹⁵ Similarly, one can trace this problem in many subsequent reports of the territorial superintendent.

The reports of the territorial superintendent indicate that all of the county superintendents were not equally well qualified for their professional duties. In his report of 1870, the superintendent said,

Where County Superintendents take pleasure in visiting the schools under their supervision improvement is manifest. . . . Wherever the County Superintendents do not enjoy the spirit of their calling the school interests are retarded, and it would be a blessing if such would resign their station and give room for those who would do the good for which the office was instituted.¹⁶

The opinion of this state official indicated that he had considerable vision for the development of the county superintendency at this relatively early date, and that he placed emphasis on its importance. In his report of 1871 he said:

Upon the efficiency of this officer [the County Superintendent] much of our educational success depends. When the time arrives that county courts have funds sufficient and are so fully alive to school interests that they will be willing to employ practical educators of ability, allowing such a salary as will adequately compensate a county superintendent for the employment of so much of his time as may be necessary for the direction and regulation of the school in the county, then a step will be taken which cannot fail of producing a

¹⁴Campbell, Annual School Report, 1866, p. 157.

¹⁵Campbell, Annual School Report, 1867, p. 6.

¹⁶Territorial Superintendent's Annual Report, 1870,
p. 192.

revolution greatly needed in our school system.¹⁷

The legislative assembly extended the school law in 1876. At that time the professional phases of the county superintendent's work were increased. Formerly, he had been required to visit the schools once a year. The new law said he "shall take the general supervision of the schools in his county, and visit them at least twice in each year."¹⁸ He and the territorial superintendent formerly selected the textbooks. In 1876 the law provided that the county superintendents, the territorial superintendent, and the president of the University, or a majority of them, decide what textbooks shall be used. Their selection was to be mandatory in all of the districts of the State.¹⁹

The law of 1876 established a fund of twenty-five thousand dollars of Territorial money to be used for educational purposes. Five thousand dollars of this amount was to be used by the University, provided that forty pupils annually could be given instruction free of charge in the normal department for one year. These were to become teachers in the various counties. The county superintendents were to make the nominations of these pupils. Teachers, in general, had meager training at this time. County superintendents were concerned about the lack of training of their teachers. The legislation is one means which the county superintendents had of improving the qualifications of teachers.

During these years the Territory was making early contributions that led to an increased centralized program. The law of 1874 required the county superintendent to report to the territorial superintendent on prescribed forms the number of children between four and sixteen years of age. This census enumeration was used at that time for state allocation of school money. The trustees were to provide "a good school" for at least three months to participate in Territorial funds, but in 1876 this law was modified and in such a way that the county superintendent was given increased significance in the financial problem. The territorial apportionment was made by the territorial superintendent and was "based upon the annual reports of the county superintendent."²⁰ The territorial superintendent was required

¹⁷Territorial Superintendent's Annual Report, 1871, p. 2.

¹⁸Laws of the Territory of Utah, 1876, sec. 17.

¹⁹Ibid., sec. 16. ²⁰Laws of Utah, 1876, sec. 21.

to report to the county superintendent, "setting forth the amount allotted to each county."²¹

The 1880 law extended the professional responsibility of the county superintendent by requiring him to be a member of the board of examination to determine the teacher's qualifications. As time passed he tended to become the most important individual on this committee. By law he became chairman, and often was greatly concerned because of the inefficiency of the other members. His importance as a member of this examining committee increased until in 1901 he was authorized by law to appoint the other two members of the committee, and the county commissioners were empowered to remove these associate members upon the recommendation of the county superintendent.²²

In 1890 the school law was amended and again enlarged. The professional qualifications and responsibilities of the county superintendent were further increased. This law provided for the election of a county superintendent at the general election of 1891 and biennially thereafter. He was given the responsibility of determining the correctness of school boundary lines and was required to report to the county court any boundaries in conflict or not clearly described. The distinctive features of his new duties centered about the more professional functions of the office. He was still required to visit each school under his supervision at least twice each year "and oftener if necessary to increase its usefulness."²³ At the time of his visits to the school he was required by law to "carefully observe the condition of the school, the mental and moral instruction given, the methods employed by the teacher, and the progress of pupils."²⁴ Other professional responsibilities required him to advise with teachers and to direct them "in regard to the instruction, classification, government and discipline of the school and the course of study."²⁵ He was required to rate teachers by indicating his judgment of their ability "to teach and govern" and to note the general condition and progress of the school.

The responsibility given to the county superintendent in

²¹Ibid. ²²Laws of Utah, 1901, ch. 117, sec. 1.

²³Laws of Utah, 1890, sec. 11.

²⁴Laws of Utah, 1890, ch. 72, sec. 11.

²⁵Ibid.

which he was required to visit schools and to make reports there-upon continued and the importance of this factor according to the law increased even before partial and complete county consolidation of schools came in 1905 and 1915. In 1905 the law making county consolidation of schools optional, required the county superintendent to file with the state board of education the information that he had secured and recorded while visiting schools as an official supervisor. This information was used "for or against teachers at the time of their examination for certificates."²⁶ The same procedure was required by the law of 1907.²⁷

The county superintendent of schools was to decide all controversies "pertaining to discipline, arising in the administration of school law in his county or appealed to him from the decision of school trustees."²⁸ It became the responsibility of the county superintendent to see that the pupils were instructed in "the several branches of study, required by law to be taught in the schools, as far as they [were] qualified to pursue them."²⁹ Should a teacher be neglectful in teaching those things required by law it became the duty of the county superintendent to report the teacher to the county board of examiners, who in turn were required to investigate and in case the teacher was guilty the teacher's certificate was revoked and the teacher was discharged. This gave the county superintendent special recognition inasmuch as he was the chairman of the board of examiners.

The growing importance of the county superintendent as a leader in education may again be noted by the fact that the new law made it mandatory for him to hold annually a "teachers' institute for the instruction of teachers, and those who desire to teach."³⁰ The institute session was to be one of not less than two, or more than five days. The county was required to pay the expense of the institute not to exceed fifty dollars in any one year. Union institutes were authorized in which two or more counties united to hold these educational gatherings. In case of such union fifty dollars for each county concerned was allocated. The

²⁶Laws of Utah, 1905, ch. 64, p. 70. Special Act.

²⁷Laws of Utah, 1907, ch. 58, p. 56.

²⁸Laws of Utah, 1890, sec. 14.

²⁹Ibid., sec. 16.

³⁰Ibid., sec. 20.

importance of the county superintendent's office may further be noted by the fact that he was given the right to appoint a deputy to assist him. The deputy's salary under the law of 1890 was to be \$4.00 per day and he was to be paid on the basis of 5¢ per mile for traveling while on official duties.

With the creation of a state board of education in 1896, the certification of teachers and superintendents was gradually and completely controlled by the board. This first law required the superintendent of schools to have a "valid certificate of a grade not lower than the grammar."³¹ This was the highest rank of certificate issued by the county examining board. Herein was the culmination of considerable professional progress of this school official during the history of the Territory of Utah. During the earliest history of Utah there is evidence that the county superintendent was looked upon as an officer not essentially requiring professional training.

Throughout the early history of the county superintendent the office was elective. The county consolidation law of 1905 required the county board of education to appoint this official for a term of two years.³² This was a progressive step toward increasing the efficiency of the office. The law, as it pertains to the office, has been changed but little since that time.

The County Superintendent and High School Consolidation

In 1911 the legislature enacted certain legislation that made possible the creation of high-school districts separate and apart from other school organizations. Each county within the State constituted a high-school district until subdivided as provided by law, except those counties which at the time constituted a school district of the first class and cities of the first and second class. Requirement was made of the county superintendent of schools to report to the county commissioners as to whether or not he thought the county should remain one high-school district or be divided into two or more high-school districts. The county commissioners were required to receive his recommendations and were in turn required to designate a day for hearing the evidence

³¹Laws of Utah, 1896, ch. 72, sec. 24.

³²Laws of Utah, 1905, ch. 107, sec. 11.

for and against such division. Due publicity was to be given the issue and citizens were to be heard on the problem at the designated day for the hearing. If decision were made by the county commissioners to subdivide the county into two or more high-school districts, provision was made for these districts to be organized and directed by a high-school board of education. This board was to "be composed of the county superintendent of schools, and any member of the board of trustees of each common school district within the high-school district, who shall be elected by the board of trustees of such common school district."³³ This high-school board of education was to organize by electing one of its members as president and another one as vice-president. It was required to elect a clerk and a treasurer who were to give bonds to the board of education. After organization the board was required to submit to the people for their vote the issue as to whether the high-school district should establish and maintain one or more high schools within the district; if more than one, then the number and the locations of the schools. The high-school board of education was given general administration of the high schools and was required "to do all things needful for the maintenance and success of the high school."³⁴

The County Superintendent and County Consolidation of Schools

County superintendents assumed a major responsibility for county consolidation of schools. Former State Superintendent Matheson credits the County Superintendent of Salt Lake County in 1904 with having suggested the plan for consolidation that ultimately led to the consolidation in that first county.³⁵ Leadership of this official in the solution of this issue was second to none, with the exception of the State Superintendent of Public Instruction.

The County Superintendent and the School Law

The earlier territorial laws, as already indicated, gave the superintendent certain general administrative and supervisory

³³Laws of Utah, 1911, ch. 31, sec. 7. ³⁴Ibid., sec. 12.

³⁵A. C. Matheson, "Consolidation of School Districts," Utah Educational Review, Vol. VIII (May-June), p. 9.

responsibilities. These centered about the handling of school funds, holding institutes, visiting schools, attending conferences called by the territorial superintendent, and the compiling of reports. Since county consolidation laws have been passed the superintendent, in so far as the law is concerned, has had but a limited number of specific duties. In 1905 the law prescribed that every parent, guardian or other person having control of any child between eight and sixteen years of age should send such child to a public or private school for a minimum of twenty weeks during each school year. Exceptions were made where the child was taught in the home, where the child had already acquired the "branches of learning taught in the district school," where the child was physically or mentally incapacitated, or where the services of the child were needed to support a mother or an invalid father. The evidence of such exception had to be approved by the city superintendent or county superintendent of schools. In 1919 the law was amended to include children from six to eighteen years of age and attendance of thirty weeks of school. Provision was made whereby those from sixteen to eighteen years of age could be excused, but again the superintendent of schools was to determine the value of the evidence produced to justify the absence of the child. If this absence were justified the superintendent was authorized to issue a certificate to the child excusing him from regular attendance at school. In 1928 the law pertaining to compulsory attendance was further amended and again the superintendent of schools was legally designated to determine whether the child should or should not be excused from school.

The relative importance of the county superintendent of schools in serving as a fiscal agent for the schools changed but little during the years of the existence of the office up to the time of county consolidation of schools. With the creation by law of boards of education in counties of the first class, the relative importance of the superintendent in handling school finance temporarily tended to decrease. These facts may be noted by the incident that in 1874 the legislative assembly of the Territory passed an act appropriating money for school purposes. Fifteen thousand dollars of territorial money was at that time appropriated. It was the duty of the county superintendent to report the census enumeration of school children to the territorial superintendent to be used as a basis for the appropriation. The

financial responsibility of the county superintendent increased until the law of 1890 which states, "The county superintendent of each county shall apportion the territorial and county school funds."³⁶

The city consolidation law of 1890 and the first county consolidation law of 1905 were such that the boards of education definitely controlled and directed the educational program. The superintendents in each instance were not by law the executives of the boards of education for the operation of schools. This somewhat subordinate position of the superintendent has not remained as it was at that time. Gradually he has attained a status in keeping with modern educational theory, and the more recent laws, though they are limited in number, have made this office one in which the superintendent has become responsible to the board for leadership with all that pertains to the schools. The legislature in 1925 passed "An Act providing that school district superintendents prepare and file with the board of education a tentative budget each and every year together with a statement of financial conditions of the district. . . ."³⁷ This same law further stipulates: "On or before June 30 of each year the board of education of each school district in the State of Utah shall adopt a budget for the next fiscal year and shall make apportionments to govern expenditures of said succeeding year. . . ."³⁸

This law was amended in 1927, again strengthening the importance of the superintendent in the field of school finance. The latter law provides that "The superintendent of each school district in the State of Utah shall be and act as budget officer of such district."³⁹

The law then requires him to prepare and file with the board of education a budget setting forth in detail the revenues and expenditures for the current fiscal year and his estimate of revenues together with the proposed expenditures for the next year. The board is required to adopt "a budget" before June 30 of each year. The same law tends again to strengthen the importance of the superintendent by stating, "No increase shall be made in any appropriation allowed except upon the written request of

³⁶Laws of Utah, 1890, sec. 75.

³⁷Laws of Utah, 1925, ch. 29. ³⁸Ibid., sec. 2.

³⁹Laws of Utah, 1927, ch. 75, sec. 1.

the superintendent setting forth the emergency necessitating such request."⁴⁰

This law, still operative in Utah, makes the superintendent of schools almost entirely responsible for the preparation of the budget and for the expenditure of the school funds. Boards of education approve the budget and the items for which the money is spent, but the expert work of handling the funds is all under the direction of the superintendent of schools.

Possibilities of Increased Consolidation in Utah

The heterogeneity of units of government in the United States, both for governmental and educational control, indicates a lack of agreement as to what constitutes a desirable size of unit. Various studies have been made in Utah in an attempt to determine an answer to the question: Would it be advantageous and beneficial for the State to continue its consolidation program? Dr. George Hansen proposed "A Regional Redistricting Plan for the State of Utah."⁴¹ Hansen's recommendations are a "six regional sub-division" of the State.⁴² These regions are designated by natural barriers, and in Hansen's opinion would add to the social and political efficiency of the State.

Using Hansen's data as a base, Merrill has suggested a redistricting of school boundaries that will conform to the boundaries proposed by Hansen. Merrill maintains that with the present county and semi-county unit, excessive funds are paid for non-teaching services in the school budget.⁴³ He further maintains that such a reorganization will do much toward equalizing the financial burden of education.⁴⁴

The state legislature of Utah in 1935 authorized a study of "Utah Governmental Units,"⁴⁵ with the intent of determining

⁴⁰Ibid., sec. 1.

⁴¹George H. Hansen, A Regional Redistricting Plan for the State of Utah, pp. 1-57. Brigham Young University Press, 1937.

⁴²Ibid., pp. 42 ff.

⁴³Amos N. Merrill, "An Objective Basis for Redistricting Utah for Educational Purposes," Proceedings of the Utah Academy of Sciences, Arts and Letters, Vol. XI (1934), pp. 127-32.

⁴⁴Ibid., p. 131.

⁴⁵Investigating Committee of Utah Governmental Units, School Finance Study, and a Study of Consolidation of Utah School

possible economies through a reorganization of such units. This committee studied particularly for educational purposes, three possible plans of reorganization. These are:

1. The large district plan of organization, with state equalization of the burden of support for a minimum educational program.
2. A state unit for support, with county or large district control of administration.
3. A state unit complete for both support and administration.⁴⁶

The committee recommended that the State adopt and finance a minimum program for purposes of equalizing educational opportunity, and the burden of school support. In the opinion of this committee the "large region plan of any number of five or more regions" would still have the problem of equalization of educational support.⁴⁷

Utah continues to manifest an interest in certain phases of consolidation. The state legislature, in 1939, made provision for another state sponsored investigation of education. Preliminary reports of this study (the report is not yet available) indicate a renewed interest in a reorganization of certain phases of education that will increase centralized control both in administration and in financing the school program.

Summary

The "county" as a unit of civil government has participated in school organization and administration in Utah since 1852. This first school law required the county courts to divide the county into school districts and to cause to have elected school trustees. At the same time the county courts were required to appoint an examining committee which was required to approve teacher examinees before they were certified.

The county courts were given authority by the legislature to consolidate schools. Even if the schools were in two or more adjoining counties these courts were given authority to consolidate several of them into one. At a later date the county commissioners were given the right to consolidate schools. This authority remained with these officials for many years.

Districts, pp. 1-179. Salt Lake City, 1936.

⁴⁶ Ibid., p. 166.

⁴⁷ Ibid., p. 171.

The county was used as an agency to assess and collect school revenue. This relationship to the schools has remained to the present.

The office of county superintendent was created by law in 1860 and has gradually grown in importance for eighty years. The first law gave the county superintendent certain supervisory responsibilities, but made the office subordinate to the trustees. Shortly after county superintendents assumed their initial duties their value as officers to the schools surpassed that of the trustees. The territorial superintendent worked diligently to strengthen the relationships between his own office and that of the county superintendent. A "line" of authority as a part of a county and territorial school organization emerged with this development of the office of county superintendent.

The importance of this county school official was increased until he became chairman of the county teacher-examination board and at will could discharge other members.

The county superintendent, at first a lay man, soon became a professional leader. He was required by law to hold the highest diploma issued in the Territory. He conducted county teacher institutes and participated with other county superintendents under supervision of the territorial superintendent in analyzing school problems of common interest.

The first law creating high-school districts required the county superintendent and the county commissioners to assume the responsibility for establishing boundaries and initiating the county high-school organization.

County superintendents in Utah have worked incessantly for county consolidation of schools. The several laws making county consolidation at first permissive and ultimately mandatory, have made the county the unit for school organization.

The county organized schools have a school board, elected on a non-partisan ballot. This board appoints a county superintendent as its executive. The county board has comparable legal responsibility to a city school board of education in the appointment of an executive officer and in the formulation of policies by which the schools are operated.

CHAPTER VI

EXPANSION OF CONTROL WITHIN THE STATE

BOARD OF EDUCATION

Legal Basis of the Board

The Utah State Board of Education has become one of the State's major sources of central control for educational purposes. Its legal source is embedded in the constitution:

Sec. 1. The Legislature shall provide for the establishment and maintenance of a uniform system of public schools, which shall be open to all children of the State.

Sec. 8. The general control and supervision of the public school system shall be vested in a State board of education, consisting of the superintendent of public instruction, and such other persons as the legislature may provide.¹

The first legislature of the State carried out the mandate of the constitution and provided for a system of public schools, created a board of education and enumerated certain duties and responsibilities. On April 5, 1896, legislative approval was made of "An Act creating a State Board of Education, defining its duties and providing for a uniform system of Free Schools throughout the State of Utah."²

The first state board was required by law to consist of the state superintendent of public instruction, the president of the State University, the principal (president) of the State Agricultural College, and two persons of "large experience and eminent professional standing" who were to be appointed by the Governor and approved by the Senate. The term of office of the appointees was four years.³

The specific function of the state board, as specified in the statute, was the authorization "to issue State diplomas

¹Constitution of the State of Utah, Art. X, secs. 1, 8.

²Laws of Utah, ch. 130.

³Laws of Utah, ch. 130, sec. 1.

and State certificates. . . ."⁴ Only by inference does the law which created the board and "defined its duties" make authorization for educational control beyond issuing certificates. One can but conclude that the legislature either assumed that the constitutional right of the board to have "general control and supervision of the public school system" gave all authority that was needed, or in "defining its duties" failed to see just what the functions of the board would be. An analysis of the minutes of the board during its first years of service indicates that the board interpreted its duty to be primarily concerned with teacher certification. Very few other items dealing with board policy came up for discussion in state board meetings. The greatly enlarged functions of the state board of the present have been the result of a trend covering more than forty years' time. This body has become very powerful in administering the entire educational program.

Trends Toward State Control of Teacher Certification

The territorial legislative act of 1852 that required the county court to divide the county into school districts also made it the duty of the court to appoint within the county "a board of examiners" whose duty it was to "determine the qualifications of school teachers" and to issue certificates to those qualified.⁵ The problem of adequately trained and properly certified teachers was a serious one for those directly concerned with education from early Utah history. In 1854, the Governor expressed an opinion to the legislature that sufficient attention was not paid to the selection and examination of teachers.⁶

County boards of examiners existed in Utah throughout the history of the Territory and only gradually after the state board of education began to function did it take over the control of teacher certification. A significant step toward centralizing teacher certification was made in 1890. The statute enacted at

⁴Laws of Utah, ch. 130, sec. 2.

⁵Acts, Resolutions and Memorials, Passed by the First Annual and Special Sessions of the Legislative Assembly, of the Territory of Utah, sec. 3. "An Act in Relation to Common Schools."

⁶"Governor's Message," Journal of Joint Session of the Legislative Assembly of Utah Territory, December 11, 1854, p. 98.

that time states:

On the recommendation of the examining board of any county the Territorial Commissioner of schools may issue to duly qualified teachers, of not less than five years experience, territorial certificates valid for five years, and such certificates shall be good in any county of this Territory.⁷

The lack of central control permitted inequalities to exist in teacher examinations. The territorial school report of 1892-93 contains a recommendation from the superintendent that there be created "a Territorial board of examiners," and proposed that the "Territorial Board might be authorized to issue all classes of certificates to teach."⁸ Similar recommendation was made in the 1894-95 report.⁹

Another forward step toward State control was made in 1901. The legislature, that year, enacted legislation that required county examinations to be given "at such times and under such rules as the State Board of Education may direct."¹⁰ The same legislature approved another act requiring the state board to prepare questions used in the several counties of the State.¹¹

State Superintendent Nelson commented upon the 1901 legislation one year after it was in operation, and claimed it had "done much and will do more to raise the standard of efficiency of our teachers."¹²

As already indicated, the first meetings of the state board were devoted almost entirely to problems of teacher certification.¹³ The statute specifically placed responsibility with the board and failed to enumerate other duties.

The development of the Normal School at the State University was gradual, and in time teacher candidates from that institution were certified for teaching in any public school in Utah

⁷Laws of the Territory of Utah, 1890, ch. 72, sec. 4.

⁸Territorial School Report of Utah, 1892-93, p. 6.

⁹Territorial School Report of Utah, 1894-95, p. 7.

¹⁰Laws of the State of Utah, 1901, ch. 95, par. 1795.

¹¹Laws of the State of Utah, 1901, ch. 94, sec. 1.

¹²Fourth Report of the Superintendent of Public Instruction of the State of Utah, 1902, p. 20.

¹³Minutes of the State Board of Education, August 29 and October 3, 1896.

without examination. As late as 1899 the state board prepared examinations in English literature and in the history and science of education for three year normal students before issuing certificates.¹⁴ An attorney general's opinion in 1905 restricted the state board from issuing certificates to candidates who were not trained in schools under State supervision.¹⁵ This controversy arose over the fact that private institutions in the State were giving teacher training education. On June 15, 1900, the state board of education approved teacher candidates for certificates provided said candidate had "four years normal" training and at least two years of successful teaching experience.¹⁶ This approval was made for the University of Utah and Brigham Young University at the same state board meeting.¹⁷ It was not until 1915, however, that normal graduates from Brigham Young University were issued certificates by the state board of education without examination and without teaching experience on the part of the applicant.¹⁸

The problem of accepting credit from private institutions toward achieving a certificate led to another phase of control on the part of the state board of education. Until 1931 Utah had several privately operated junior colleges in which normal training was given. The state board refused to approve credit unless it made an inspection of these teacher training institutions.^{19, 20} Moreover, the board determined the particular quality of teacher certificate that could be issued to teacher candidates with training from the private institutions.²¹ Similarly, the board con-

¹⁴Minutes of the State Board of Education, January 29, 1889.

¹⁵Minutes of the State Board of Education, August 29, 1905.

¹⁶Minutes of the State Board of Education, June 15, 1900.

¹⁷Ibid.

¹⁸Minutes of the State Board of Education, July 7, 1915.

¹⁹Minutes of the State Board of Education, May 17, 1916, p. 27.

²⁰Minutes of the State Board of Education, June 27, 1917, p. 298.

²¹Minutes of the State Board of Education, January 4, 1923, p. 382.

trolled the problem of out-of-state teacher training by requiring such candidates for certificates, to pass an approved examination.²²

During the process in which the state board has ultimately come to issue all certificates in the State, many changes have taken place which have without exception, strengthened the control of the state board. Each county at first issued certificates for teachers of that particular county. After the state board was created it began preparing the examinations as a substitute for those formerly prepared in the several counties. By 1904 this board not only prepared the examination questions, but "graded the papers," thereby making uniformity in certification throughout the State.²³

The Biennial School Report issued in 1910 contains lengthy "Rules and Regulations" adopted by the state board of education for teacher examinations and certification.²⁴

The state board issued emergency certificates and certificates in specialized fields.²⁵ It later found that local school boards were taking advantage of emergency certificates and discontinued this practice "at once."²⁶

For a period of time the state board of education prescribed a course of study and issued credit to teacher candidates in pursuit of certification. The board in regular session August 2, 1916, "outlined the reading and study course for holders of county certificates for 1917-18."²⁷ At another meeting, "Upon motion of Mr. _____ the Board authorized the Superintendent to appoint two members to act with the Superintendent as a committee to outline [for] holders of county certificates to renew their certificates, and will give them six hours of college credit

²²Minutes of the State Board of Education, January 16, 1911, p. 164.

²³Fifth Report of the State Superintendent of Public Instruction, Public Documents, 1904, pp. 346-47.

²⁴Eighth Report of the State Superintendent of Public Instruction, Public Documents, 1910, pp. 448-51.

²⁵Minutes of the State Board of Education, September 9, 1913, p. 216.

²⁶Minutes of the State Board of Education, April 8, 1920, p. 351.

²⁷Minutes of the State Board of Education, August 2, 1916, p. 277.

towards higher certification."²⁸ On June 5 of that year the committee reported back the proposed "course" and the board made unanimous approval.²⁹

The apparent leniency of the board toward teacher candidates for certification during the later years of the World War and the time immediately thereafter was due to a scarceness of available teachers.

The law controlling teacher certification passed in 1919 was such that the number and kinds of certificates were affected. The state board at that time was authorized to issue "certificates and diplomas of high school, junior high school, grammar, and kindergarten grade; and also to issue superintendents' certificates and diplomas and supervisors' certificates and diplomas."³⁰ These were all valid anywhere in the State within the department for which they were issued. Diplomas of all grades were issued only to those who were at least twenty-three years of age, had had at least five years of successful teaching or supervisory experience in Utah, were free from "serious infections or hereditary disease, and were found to possess the requisite scholarship and culture." The diplomas were valid for life unless five consecutive years passed without teaching or supervising.³¹

The same law gave the state board of education the right to make whatever classification it desired for certificates, provided their validity did not exceed five years. The state board was likewise instructed to determine the scholarship and training required of applicants for both diplomas and certificates. Where changes were made, at least one year of time was to be given by the board. Certificates and diplomas issued by the school of education of the State University were to be approved as being of equal rank with those issued by the state board of education. Credits from other institutions might be accepted in whole or in part toward certification. Likewise, certificates were accepted from other states which "are found to be of equal rank with those issued by this State, and providing further that applicants for

²⁸ Minutes of the State Board of Education, February 6, 1918, p. 311.

²⁹ Minutes of the State Board of Education, June 5, 1918, p. 313.

³⁰ Laws of Utah, 1919, ch. 84, sec. 1.

³¹ Ibid.

diplomas shall have taught successfully at least five years, of which at least two years shall have been in Utah."³²

Revision of this law in 1925 did not change teacher certification. It did prevent the use of public funds for teachers who were uncertified, and prohibited the employment of superintendents or supervisors without proper certification.³³

Boards of education were permitted by law to conduct teacher examinations for certification until 1929. At that time the last of these laws was repealed,³⁴ thereby completely centralizing teacher, supervisor, and administrator certification in the hands of the state board of education.

State Board Control of the High School

The state board of education has had greater control in directing high-school education than it has in directing elementary education. This situation is the result of the fact that in 1911 an act was passed by the legislature levying a state tax for high-school purposes.³⁵ This tax was "one-half mill on each dollar of valuation of the taxable property in the State."³⁶ This revenue has generally been in excess of \$100,000 per year and two years has exceeded \$160,000. The legislature did not create this fund without planning responsibility for its administration. This responsibility was given by mandate to the state board of education. The board was required to "fix the standard upon which, and the period during the year that, high schools in this State shall be maintained in order to obtain any part of the high-school fund."³⁷

On April 17, 1911, the state board adopted the following resolution: "High schools desiring to participate in the apportionment of the State High School Fund must maintain school at least thirty-six weeks in each school year. . . ."³⁸ On June 24, 1912, the state board of education made an apportionment

³²Laws of Utah, 1919, ch. 84, secs. 1-5.

³³Laws of Utah, 1925, ch. 7, secs. 6-7.

³⁴Laws of Utah, 1929, ch. 24.

³⁵Laws of the State of Utah, 1911, ch. 29.

³⁶Ibid., sec. 1. ³⁷Ibid.

³⁸Minutes of the Board of Education, April 17, 1911, p. 186.

of \$91,230.30 equaling \$20.90 per capita.³⁹

The board established requirements other than the length of the school term and pupil attendance at school; it provided a course of study and equipment. Included in the course of study offering is the following: "English, three units; Algebra, one unit; Plane Geometry, one unit; American History and Civics, one unit; Domestic Science or Domestic Art, one-half unit; Elementary Agriculture, Physical Geography or General Science, one-half unit."⁴⁰

The state board required a minimum of fifteen units for graduation with a minimum of three units in English.⁴¹ Moreover, the state board "urged" local school officials to require either American History and Civics or American Citizenship. It further urged local boards to make a "requirement of some work in Domestic Art or Domestic Science of all the girls, and in Elementary Agriculture, in agricultural districts, of all the boys; and it favors requiring every pupil somewhere in his course to take at least one study from each of five groups."⁴²

In order to strengthen its control over the high school, the state board appointed a high-school inspector whose duty it became to make the necessary investigation to determine if high schools attained the standards established by the state board. The board minutes of December 1, 1915, contain one such report from the inspector, part of which follows: "From state high-school reports . . . and from evidence obtained from careful inspection of the high schools, . . . the schools named below . . . are meeting the requirements set forth by the State Board of Education. . . ."⁴³

The board took the liberty of making exception to its own rules for participation in state funds if it so desired.⁴⁴

When high schools did not conform to state standards, and

³⁹Minutes of the Board of Education, June 24, 1912.

⁴⁰Utah Educational Review, Vol. V (October, 1911), p. 13.

⁴¹Ibid., p. 14.

⁴²Ibid.

⁴³Minutes of the State Board of Education, December 1, 1915, pp. 258-59.

⁴⁴Minutes of the State Board of Education, April 23, 1912, p. 198.

had not permission to make such deviation, the board "voted to withhold funds."⁴⁵ The school law of Utah has required all teachers to be properly certified. This likewise has been one of the requirements for participation in the state high-school fund. The board minutes of January 2, 1922, contain a report of certain districts that employed teachers who were not adequately certified. The chairman of the board was "directed to withhold apportionment of high-school funds from [such] districts whose high-school teachers do not furnish satisfactory evidence of being able to qualify for proper certificates. . . ."⁴⁶

The state board has not only made variations in time requirements for participation in the high-school funds,⁴⁷ but has accepted thirty weeks of actual school work and summer supervision of home work for sufficient time to make a total of thirty-five weeks.⁴⁸

The state board of education, under the present law, has a major responsibility in the establishment of new high schools. This law is such that a majority of the taxpayers of any voting precinct having a school population of 1,200 or more within a county school district, may petition the local (county) board of education for the establishment of a high school. The local board is then required to establish a high school within the territory embraced within the precinct in not to exceed one year of time, "provided, that the junior and senior years of such high school may not be established until the number of students in such years justifies such establishment as recommended by the state board of education. . . ."⁴⁹

Other State Funds

The board has considerable authority in the administration

⁴⁵Minutes of the State Board of Education, December 21, 1926, p. 441.

⁴⁶Minutes of the State Board of Education, January 6, 1922, p. 373.

⁴⁷Minutes of the State Board of Education, May 23, 1931, p. 11.

⁴⁸Minutes of the State Board of Education, June 5, 1918, p. 314.

⁴⁹School Laws of the State of Utah, 1939, 75-11-12.

of funds other than the high-school fund. Utah has a "uniform School Fund" amounting to \$5.00 per school child.⁵⁰ The law provides for the distribution of the major part of this fund, but authorizes the state board of education to spend \$5,000 annually if it so desires, in investigating educational inequalities in the State. In addition to this, the law states: "Fifteen per cent of the amount remaining after deducting the said five thousand dollars but not more than sixty-five thousand dollars annually shall be apportioned and distributed to such districts in such amounts and during such times in each year as the state board of education shall direct. . . ."⁵¹ The right to determine what this "fifteen per cent" shall be expended for increases the board's control of the school program.

The legal right of local school districts to participate in certain state funds is determined in part upon a "minimum educational program." In the main these stipulations were prescribed by the legislature, however, the program of supervision is such that it must be approved by the state board. The board has at times rejected the supervisory program of local districts and has refused to make the allocation of state funds.⁵²

The board has voted "special state aid" to given districts for specific training.⁵³ The board has also authorized appropriations up to \$500 of state school funds for the purpose of holding administrators' conferences,⁵⁴ and has appropriated money for a state school survey.⁵⁵

The state board is permitted, by law, to meet jointly with the state tax commission and grant local boards of education the right to exceed the tax levy stipulated in the law, for increasing revenue. The board has frequently acted in this capacity, thereby extending the amount of revenue to local school districts.

⁵⁰Ibid., 75-7-26

⁵¹Ibid., ch. 81-4.

⁵²Minutes of the State Board of Education, September 5, 1939, p. 248.

⁵³Minutes of the State Board of Education, June 25, 1921, p. 366.

⁵⁴Minutes of the State Board of Education, April 20, 1928.

⁵⁵Minutes of the State Board of Education, May 22, 1925.

The State Board and the Legislature

The state board has attained a prestige that is influential with the legislature. In 1897 the board "appointed a committee . . . to urge necessary legislation in the forthcoming meeting of the legislature."⁵⁶ An examination of the minutes of the board of education indicates that this policy has continued. The board has invited to its meetings sponsors of "bills" dealing with school finance. After discussing the items in the proposed law with the legislators, the board has voted to favor certain legislation.⁵⁷ Moreover, the board has appointed committees to prepare legislation concerning appropriation of school funds that have formerly been made possible by constitutional amendment.⁵⁸

The State Board of Education and Junior College Control

One of the major areas in which the state board of education has increased its control deals with the recent development of the public junior colleges in Utah. Preceding 1931 junior colleges were, with but one exception, under the control of some private agency. At that time an act was passed by the legislature establishing state schools where formerly two private junior colleges existed. This law is significant because it places the control with the state board of education, and has been the pattern for additional junior colleges that have since been established. The law states: "The State Board of Education shall have the management and control of each of said schools, prescribe the course of study, employ the instructors and prescribe their qualifications, appoint a president for each of said schools and prescribe entrance requirements of students to the institution."⁵⁹

An examination of the minutes of the state board shows a

⁵⁶ Minutes of the State Board of Education, January 18, 1897, p. 12.

⁵⁷ Minutes of the State Board of Education, January 24, 1930, p. 471.

⁵⁸ Minutes of the State Board of Education, November 6, 1930, p. 8.

⁵⁹ School Laws of the State of Utah, 75-6-3.

very distinct trend toward increased time being devoted to the management of the four junior colleges now directly under the supervision of the Board. During 1933, from April to October inclusive, ten consecutive meetings were almost entirely devoted to the administrative problems of the junior colleges. From then to the present these institutions have required major concern on the part of this body.

The minutes of recent years show extensive problems of the junior colleges covering most phases of school administration. The board makes official inspections of the schools, purchases property, employs teachers, grants leaves of absence to teachers and administrators, receives reports and issues instructions, discusses various problems of finance, studies and approves budgets, adjusts salaries, requires accounts audited, enters into contracts, authorizes building repairs, adopts rules and regulations for its own activities, receives and disburses money, studies and approves salary schedules, discusses and approves educational programs submitted by the various presidents, and authorizes research.⁶⁰ The state board acts as a legislative and policy-forming body for the junior colleges. The president of each college serves as an executive to the state board of education in the operation of the school.

Vocational Education and the State Board of Education

Utah is one of the "thirty-five states [of the nation] in which the body serving as the State board of education has been designated as the board for vocational education."⁶¹

The state legislature passed an act making the state board of education the state board of vocational education immediately following the Federal Act of 1917 providing for vocational education. From that time to the present this board has had a state director of vocational education. The minutes of the state board show that the board frequently resolves itself into a vocational board. The control of the school program through this division

⁶⁰Various reports of board action are recorded in each regular meeting covering several years of time.

⁶¹Katherine A. Frederick, for The Advisory Committee on Education, State Personnel Administration with Special Reference to Departments of Education, p. 24. Washington, D. C., 1939.

is more centralized because the state supervisory personnel determines more of the course of study and gives closer supervision as a result of financial assistance from the Federal Government.

Increased Centralization Resulting from Functions of the State School Staff

The services rendered at present by the State office of education are necessarily numerous when compared with those at the time when educational administration was dependent primarily upon the small local school district trustees. With the expansion and centralization of the educational program centering increasingly in the state school office there has arisen a need for increased personnel on the state school staff. The legislators were able to see this tendency, and hence in 1921 passed an act that states:

Upon the recommendation of the state superintendent, the state board of education shall have authority to appoint a secretary of the board, and such directors, supervisors, and assistants as are necessary in the administration and supervision of the public school system. The salaries . . . shall be fixed by the state board of education. . . .⁶²

The State Superintendent's "Items for District Superintendents" (1940), contains a diagram (see page 97) showing his conception of the organization relation of the State Department of Public Instruction.⁶³

The biennial report of the state superintendent for 1936-38 contains the following enumeration of the state school staff:

The office is provided with clerical aid for letter writing, mimeographing, and checking on business details involved in school management. A full-time teacher is engaged to look after teacher personnel and certification. And nine directors are engaged to assist the superintendent in the following divisions: elementary education; intermediate and junior high; secondary education; school finance and research; health, physical education and recreation; homemaking; vocational agriculture; trades, industries and distributive occupations; and vocational rehabilitation.⁶⁴

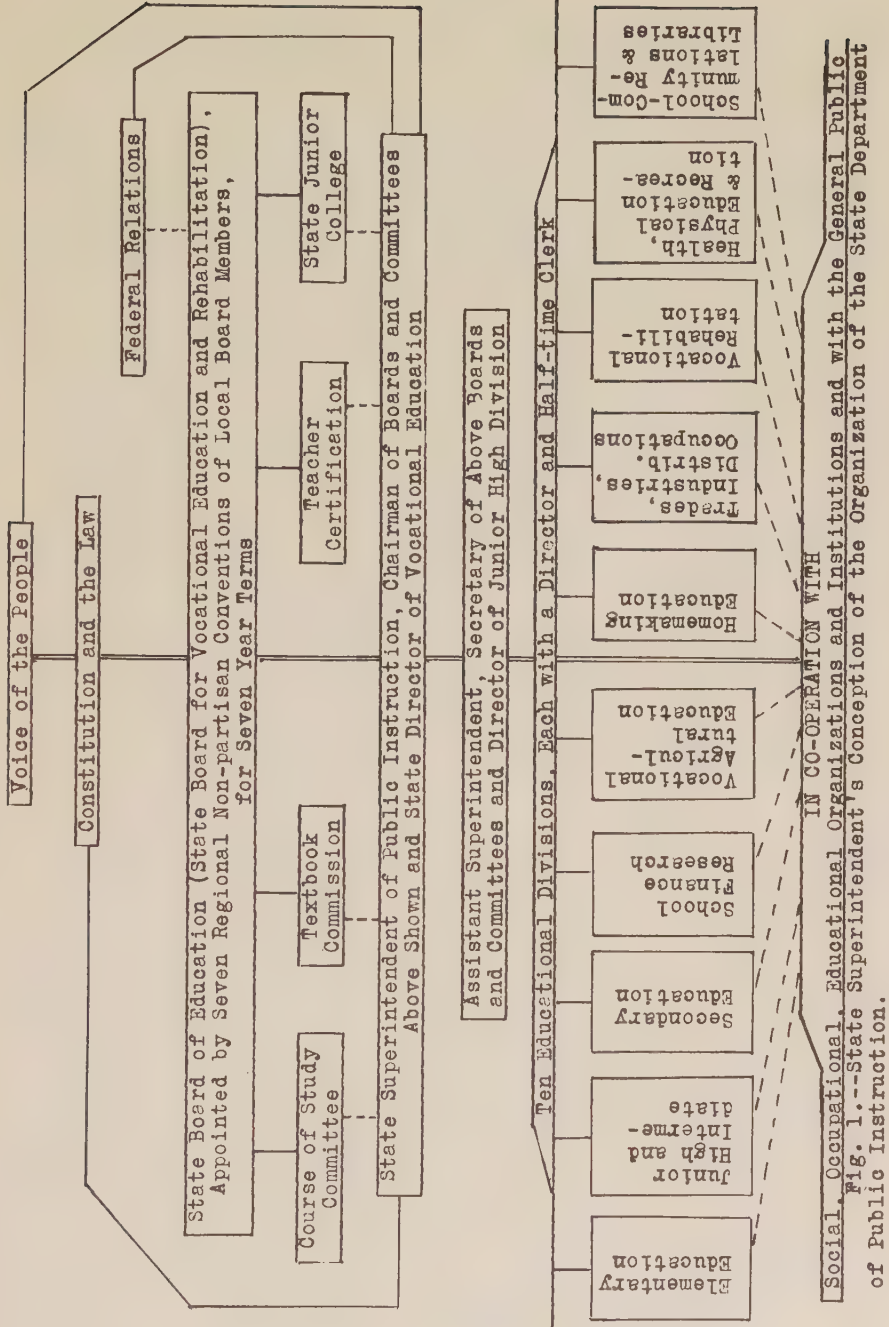
In the 1933-34 biennial report the state superintendent lists the duties of the various members of the state school staff.⁶⁵

⁶²Laws of Utah, 1921, ch. 93, sec. 1.

⁶³Charles H. Skidmore, "Items for District School Superintendents, 1940," p. 1209. MS in the State School Office.

⁶⁴Utah School Report, 1936-38, p. 17.

⁶⁵Utah State School Report, 1933-34, chs. 3 and 4, pp. 34-



The assistant superintendent's duties are similar to those of the superintendent. He is in charge of all office work, publications, certification and general correspondence. All stenographers and clerical workers are under his immediate supervision. He is secretary to all boards, commissions and committees of the state department. He has charge of elementary education and is assisted in the primary grades by a primary supervisor. The primary supervisor gives general supervision to the primary grades and is especially concerned with "in-service training" of teachers.

The director of secondary education gives general supervision to all grades above the sixth.

The director of research and service has charge of all claims, budgets, accounts, and statistical and financial reports.

The state legislature passed an act in 1919 "creating the office of Director of Health Education. . . ." With the creation of this office provision was made for "a course of study for the preparation of health education, supervisors and school nurses, and providing for the promotion of the physical welfare of children of pre-school age."⁶⁶ The state board of education was authorized to appoint the State Director of Health Education who was to have general supervision of the health program. The law made provision to include in this health program hygiene, sanitation, physical education, and recreation.

The director of vocational education has general supervision of the practical arts, and certain vocational courses. In this division also are supervisors of agriculture, home economics, and a supervisor of rehabilitation and library.

The development of the state school staff to its present personnel has been one of a gradual increase in control of the educational program of the schools of the State. Vocational education, home economics and agriculture are all supervised by a staff member who not only supplies the course of study, gives general supervision to the teaching procedure, but to a large degree determines the amount of money from state and federal sources that is appropriated to local school districts. Other supervisors on the staff, although less dependent upon state money, give considerable direction in curriculum work and in general have an

⁶⁶Laws of Utah, 1919, ch. 85, secs. 1-3.

extensive influence throughout the State in the determination of the school program.

State Board of Education Changes in Personnel

The first state board of education in Utah consisted of the State Superintendent of Public Instruction, the president of the University of Utah, the president of the State Agricultural College and two other persons appointed by the Governor and approved by the State Senate.⁶⁷ This number was increased to nine in 1915,⁶⁸ and provision was made for the Governor to appoint six members. The Survey staff in its study of Utah in 1926 made the criticism of the method in which personnel were selected. Recommendation was made "that appointment of the state board of education by the governor be continued; that the board consist of nine members, each appointed for a period of nine years, one member retiring each year; that it be made up in larger measure than at present of citizens who are not professional educators actively engaged in educational work."⁶⁹

The 1915 method of board selection continued in Utah until 1935. At that time the legislature enacted a law changing the procedure in electing this body. The law states: "The state board of education shall consist of the state superintendent of public instruction and nine other persons, appointed by seven regional school board conventions; or by the governor by and with the consent of the senate."⁷⁰ This method as it is in operation, requires a regional conference of the local school board members living within the judicial district. Each of six districts elects one member to a term of seven years; the remaining district elects three members for a similar term. Only one election is held each seventh year in each regional district. This method of rotation prevents a rapid turn-over of members. The local board members are elected on non-partisan ballots. Of this method of selecting board membership the state superintendent declares:

⁶⁷Laws of Utah, 1896, ch. 30, sec. 1.

⁶⁸Laws of Utah, 1915, ch. 109, sec. 1.

⁶⁹Survey of Utah, p. 19. Bureau of Education, 1926.

⁷⁰School Laws of Utah, 1939, 75-7-1.

"The State Board of Education is perhaps the most independent and most representative board in the state. . . ."⁷¹

Summary

The state board of education came into existence as a result of the constitution creating a state school system and placing responsibility for the general administration and supervision of the public schools on the state board. Although the University board of regents was given certain general control of the schools during the earliest history of the Territory, no board with general and increasing control was established until 1896. The constitution and the first statutes were very brief and general in enumerating the duties of the board. The territorial superintendent had manifested grave concern over teacher certification and training for years preceding the initiation of a state board of education.

An analysis of the minutes of the board during the first years of its existence leads one to conclude that certification of teachers was the great major problem with which the first boards dealt. Beginning in 1852 the county courts appointed a teacher examining committee within each county. As a result of these local examinations, inequalities developed. Some school districts employed poorly prepared teachers, for no central agency had legal authority to establish and maintain uniformity. Teachers' certificates were valid only within the county in which they were issued. Although the territorial superintendents made numerous reports of this somewhat chaotic situation in which certificates were issued, the complete centralization of control in teacher certification required nearly eighty years. After the state board was created the progress toward control by this single agency was much more rapid. Present statutes of the State forbid the use of state money to school districts employing any teacher not certified by the state board of education. As centralization of control has developed, standards for certification have been gradually raised to insure an adequately trained corps of teachers.

During the last thirty years the activities of the state board of education have greatly increased. In 1911 the legislature passed an act creating a state high-school fund. The per

⁷¹State Superintendent's "Items for District School Superintendents," 1939, p. 894.

capita allocation of this fund was at that time sufficiently large that high schools made a rapid rate of growth. The law gave the state board the responsibility of establishing standards for high schools as part of the administration of the fund. This responsibility gave the state board vastly greater control over the high schools than it had over the elementary schools. The board provided a high-school course of study, with certain required subject matter fields; it established a minimum standard of time for the school year, and in other ways made requirements for high schools. A high-school inspector was appointed to represent the state board and given authorization to determine schools that were and those that were not conforming to the established regulations.

Gradually the state of Utah has assumed an increased financial burden of the school cost. The state board has a major responsibility of the state school money. Some of this money is made on a per capita basis in which the board has only a minor responsibility. The more recent funds require the board to approve "one" and "two-teacher" schools, to approve the supervisory program of each district, and in other ways give the board increased control of the schools of Utah. The last state fund that was created by both constitutional amendment and statute, reserves fifteen per cent of the fund to be used at the board's discretion.

During recent years Utah has established four junior colleges and has established an administrative program for these schools. The state board of education has direct control of the junior colleges. This board functions for these schools as any city board of education may function for the schools of the city in general administrative procedures, but in addition, it has greater access to state funds, and greater influence with the legislative body that provides funds.

The vocational board of education, created as a result of the Smith-Hughes Federal Act, is the state board of education. As such it directs, through the state school staff, that part of the school program of the State for which Federal funds are appropriated.

In addition to vocational education, the state school office has a staff that gives supervision to health education and to elementary and general secondary education.

The state board of education in Utah has developed extensive administrative and supervisory control of education. This

centralized control includes state finance, instructional materials, training and certification of personnel, extra supervision in certain specialized fields and general supervision of the entire educational program.

CHAPTER VII

LEADERSHIP OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Beginning Developments of Territorial Superintendents

The office of the superintendent of public instruction in Utah has existed from an early date. In 1850 the University of Deseret was created and in the following year a resolution was passed by the legislative assembly that created the "office of Superintendent of Common Schools."¹ The resolution made provision for the chancellor and the board of regents of the University to appoint the superintendent. This first legislative action was not mandatory, rather, it gave "authorization" to make the appointment. The assembly passed an act in 1854 in which the appointment of a superintendent of common schools became mandatory on the part of the chancellor and the board of regents.²

The first act placed the superintendent under the "supervision and discretionary control" of the chancellor and the board of regents. They were to "award such a salary to him at the expense of the Territory for his services, as they may deem expedient."³ The law of 1854 stated that the superintendent was to "hold his office during the pleasure of" the chancellor and the board of regents. He was required by law "to make an annual report to the regency, on or before the first day of November in each year, and also to perform such other duties as may be required

¹Acts, Resolutions and Memorials, Passed by the First Annual and Special Session of the Territory of Utah, 1851, p. 207.

²Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah, 1854, pp. 287-89.

³Acts, Resolutions and Memorials, Passed by the First Annual and Special Session of the Territory of Utah, 1851, p. 207.

of him."⁴ The superintendent was required to give bonds "with approved security to the chancellor of the University. . . . for the faithful performance of his duties."⁵

The legislative assembly passed an act in 1852 that established a school organization for the operation of schools. In this act the superintendent was not mentioned. Hence, in the first laws there is relatively little indication as to the nature of the superintendent's duties. That he held some relationship to the legislative assembly, as well as to the chancellor and the regents of the University, is indicated by the fact that on December 30, 1852, a note from the legislative assembly was addressed to the "Superintendent of Primary Schools, asking the condition of such schools in the Territory, with any suggestion which he might have to make upon the subject."⁶

School organization was relatively local in its administration during the first decade of education in Utah. The legislature passed an act in 1860 creating the office of "county superintendent" and here began a new organization in which administrative officers other than local school trustees participated in the administrative affairs of the schools. This 1860 law contained teacher and trustee report forms on which these people were to report to the county superintendent of schools. This law enumerated the duties of the county superintendent. Among other items he was "to make an annual report to the territorial superintendent of common schools on or before the first Monday in November in each year, stating the particulars contained in the trustees' and teachers' reports."⁷ The passing of this law made school organization more complete in administrative relationships, from the territorial superintendent down through county and local administrative officers and directly to the teacher. It established the superintendent as the head of the territorial school system. The

⁴Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah, 1854, sec. 1, pp. 287-89.

⁵Ibid., sec. 6.

⁶Journals of the Legislative Assembly of the Territory of Utah, 1851, 1852, p. 88.

⁷Acts, Resolutions and Memorials, Passed by the Legislative Assembly of the Territory of Utah During the Ninth Annual Session, 1860, sec. 3, pp. 22-26.

legislative assembly made provision by law in 1865 for the county superintendents of the Territory to report to the territorial superintendent by providing a form on which he was to render such report.

Method of Election and Appointment

As previously indicated, the superintendent of common schools was at first (1851) the authorized appointee of the chancellor and the board of regents of the University of Deseret. In 1854 the law was amended making the appointment mandatory. In 1862 the law was changed again, and at that time the selection of superintendent was made by the joint session of the legislative assembly. Formerly this officer had been required to make his report to the chancellor and the board of regents, but with the new method of appointment he was required to make his "report annually to the legislative assembly during the first week of its session."⁸

In 1876 the legislative assembly amended the law again. This law which has in general been basic for the method of selecting the superintendent has followed the pattern established at that time. The law of 1876 states:

At the general election for the year one thousand eight hundred and seventy-seven, and biennially thereafter, a Territorial Superintendent of District Schools shall be elected, whose term of office shall be for two years, and until his successor shall be elected and qualified. . . .⁹

At the time Utah became a state the legislature passed an act creating a state board of education. The superintendent of public instruction was by law made a member of the board. The former law was amended making the term of office of the state superintendent four years, beginning at the general election of 1900 and each four years thereafter. This method of selecting the highest school office in Utah has remained to the present time in spite of efforts at various times to have him appointed by the state board of education. Educational experts, as well as the state survey, have repeatedly pointed out the undesirability of electing this official on a political ticket at a general election.

⁸ Acts, Resolutions and Memorials Passed by the Legislative Assembly of the Territory of Utah, Eleventh Annual Session, 1861-62, sec. 1, pp. 6-7.

⁹ Laws of Utah, 1876, sec. 14.

Formerly, this official had customarily been called the "Superintendent of Common Schools." There was a lack of consistency in the title, however, as may be noted in the act that created the office. The resolution was entitled a "Resolution Creating the Office of Superintendent of Common Schools." Within the act itself reference is made to the office as "Superintendent of Primary Schools."¹⁰ Superintendent of Common Schools seems to have been the most commonly used title until in 1887 when the law changed the title to "The Commissioner of Schools."¹¹ This title was used until the state board of education was created in 1896 and the chief official became a member of this board as "Superintendent of Public Instruction."¹²

Development of Legal Duties

The first rather comprehensive legal treatise of the Superintendent's duties did not appear until 1890. The legislative assembly at that time made certain legal requirements. The nature of these duties is indicated in the following selections of the act:

That the commissioner of schools within and for this Territory shall

Sec. 2. . . . be charged with the administration of the system of public instruction and a general superintendence of the business relating to district schools of the Territory, and of the school revenues set apart and appropriated for their support. He shall apportion to the several counties, on or before the thirty-first day of December of each year, the amount of money to which each county is entitled, under the provisions of this act, according to the number of persons between the ages of six and eighteen years, residing in such county, as shown by the last school census lists of the several counties and furnish to each county treasurer and county superintendent an abstract of such apportionment. . . .

Sec. 3. He shall prepare and transmit to the proper officers suitable forms and regulations for making all reports, and the necessary blanks therefore, school registers, and all necessary instructions for the organization and government of district schools, and conducting all necessary proceedings under this act. . . . He shall visit each county in the Territory at least once in each year, and may examine the auditor's books and records relative to school revenues. He shall meet with such school officers as may attend his appointment,

¹⁰ Acts, Resolutions and Memorials, First Annual and Special Session of the Territory of Utah, 1851, p. 207.

¹¹ Laws of Utah, 1887.

¹² Laws of Utah, 1896, ch. 130, sec. 1.

advising with the teachers, and lecturing to institutes and public assemblies upon topics calculated to promote the interests of education.

Sec. 4. He shall advise with the county superintendents upon all matters involving the welfare of the schools. He shall, when requested by superintendents or school officers, give them written answers to all questions concerning the school law. On the recommendation of the examining board of any county the territorial commissioner of schools may issue to duly qualified teachers, of not less than five years experience, territorial certificates valid for five years, and such certificates shall be good in any county of this Territory.

Sec. 5. During the first week of the regular session of the Legislature said commissioner shall present to the Governor and Legislative assembly a biennial report of his administration of the system of public instruction. He shall cause one thousand copies of his report and the laws relating to schools to be printed in pamphlet form and distribute them to all school officers and schools. . . .¹³

An Analysis of the Superintendent's Duties

Miscellaneous items.--The "administration of the system of public institution" as listed among the duties of the superintendent in the 1890 law became the legal authorization necessary for this officer to function as the chief executive of the state school organization.

It is this law that has allowed leadership to develop over the years of time since the act was written. The same authorization remains on the statutes today in almost unchanged words.¹⁴

Throughout ninety years of history the superintendent's primary concern has been to improve the instructional services of the schools. Without exception the reports during the decades from 1860 to 1900 stress the inadequate training of teachers. It was this officer who urged the necessity of more carefully selecting teachers. It was he who urged the legislature to make provision for uniform teachers' examinations. It was likewise he who urged the legislature to make provision for teacher training at the University. The recommendations to center teacher certification in the state school office all revert to the superintendent.

¹³Laws of Utah, 1890, ch. 72, secs. 2-5.

¹⁴School Laws of the State of Utah, 1939, 75-8-2.

The superintendent is primarily responsible for the "organization" of schools within the Territory. He urged "grading" of schools and the establishment of "system" within individual school units. He also urged proper relationships within a "Territorial organization" that would bring desirable line and staff authority between the chief officer of the Territory and local school officials. From the time the office was created, he never lost sight of the primary reason given by the Governor for its creation; that is, to labor for a "uniform system of public schools."¹⁵

The foregoing chapter on consolidation of schools attempts to show the importance of the various superintendents in that achievement in the schools of Utah.

From the time the first money was paid from the treasury of the Territory, the superintendent has been responsible for the funds from this central source. The present law states: "The state superintendent shall be charged with the administration . . . of the school revenue set apart and appropriated for their support"¹⁶ This official has been a constant advocate in the trend toward a greater per cent of the school cost being assumed by the State.

The statutes have required the superintendent to give an opinion on school law to subsidiary school officials. Various reports show that this responsibility at times was a major item. An example may be noted in the 1896 report. The following is a partial list of the topics on which legal interpretation was given: authority of trustees to borrow money, proper use of school funds, removal of school houses, exemptions from taxation, correct procedure in redeeming bonds, special taxes for building purposes, changing school-house sites, county institutes, election of school officers in cities, and requirements of certificates and diplomas.¹⁷

The superintendent has been influential with the various legislatures. He has freely made recommendations for needed ad-

¹⁵"Governor's Message," Journal of Joint Session of the Legislative Assembly of Utah Territory, Public Documents, p. 102.

¹⁶School Laws of the State of Utah, 1939, 75-8-2.

¹⁷School Report of the Superintendent of Public Instruction, 1896-98, pp. 220-79.

ditional school legislation. In 1898, twenty-three specific recommendations were made to the legislative body.¹⁸ An examination of the several superintendents' recommendations concerning the need for new legislation, together with the laws enacted, is evidence that this school officer has been influential with the legislative bodies. In certain instances it may be noted that the superintendents' recommendations have become part of the state constitution. A case at point is his recommendation for the establishment of kindergartens. In the 1894-95 school report to the legislature, the superintendent stated:

It seems to me of the very highest importance to our educational interests that the legislature as soon as possible take steps toward the establishment of free kindergarten schools in connection with our public schools, pursuant to a provision of the constitution. This department constituting the very foundation of our educational superstructure should be established with the greatest care and under the most skilful supervision.¹⁹

The State constitution was adopted immediately thereafter and became effective for the new State in 1896. This document states: "The public school system shall include kindergarten schools."²⁰

The superintendent has greatly influenced the instructional features of the schools of the State through state textbook adoptions and state courses of study. In certain instances the statutes have required the superintendent to prepare specific teaching materials, and likewise have required all schools participating in state funds to teach this particular subject matter.²¹

The Superintendents' State Conventions

During the period of time that Utah has been a state the law has been such that the state superintendent has been authorized to call a convention of all of the superintendents of the State for educational purposes. The law of 1896 states:

¹⁸School Report of the Superintendent of Public Instruction, 1896-98, pp. 42-47.

¹⁹Biennial School Report, Territory of Utah, 1894-95, pp. 8, 9.

²⁰Utah State Constitution, Art. X, sec. 2.

²¹School Laws of the State of Utah, 1939, chs. 77, 78.

The State Superintendent shall have power to call biennially a convention of county and city superintendents to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the public schools, the laws relating thereto; and such other subjects affecting the welfare and interest of the public schools as shall properly be brought before them. It is hereby made the duty of all county and city superintendents to attend such conventions when called.
²²

The legal changes that have been made during the time that has elapsed since 1896 are insignificant.

The 1898 biennial report contains an account of the first biennial convention. The state superintendent was elected as chairman of the convention. Five sessions were held, representatives being present from all but two of the counties and two of the cities. The following subjects were discussed:²³

1. Courses of study and graduation.
2. The uses of supplementary textbooks.
3. School and teachers' libraries.
4. Teachers' voluntary organizations, and the teachers' institutes.
5. Teachers' visiting days.
6. School statistics.

The report states that all members took an active part "tending to promote a more uniform and effective action on the part of the superintendents in relation to the matters under consideration."²⁴

Various school reports refer to the convention. The 1904 report contains the official notice that was sent to the superintendents:

Dear Superintendent:- You are hereby notified that a meeting of the county superintendents will be held in the office of the State Superintendent of Public Instruction at Salt Lake City, Friday and Saturday, February 5th and 6th, 1904, for the purpose of discussing the requirements of eighth grade graduates and kindred subjects which will be named on programs sent to you in a few days, and for the purpose of considering questions which the superintendents may desire to bring before the meeting. . . .²⁵

The superintendents' convention as required by law during the time that Utah has been a state has been a significant factor

²²Laws of Utah, 1896, sec. 19.

²³Utah Biennial School Report, 1898, p. 108. ²⁴Ibid.

²⁵Fifth Report of the Superintendent of Public Instruction of the State of Utah, Biennial Period, Ending June 30, 1904, p. 319.

in developing a uniform program of education throughout the State. There is no indication that the state superintendent has in any way dominated the topics that have been discussed. Rather, he has always tended to be democratic and has permitted the county and city superintendents to participate freely, both in the selection of the topics and in the discussion. In the 1915-16 report the superintendent refers to the conventions as follows:

These gatherings are valuable not only for the excellence of the programs, which are furnished almost wholly by the superintendents themselves, but for the opportunities afforded for the informal discussions of the practical daily difficulties of educational administration and supervision as they present themselves in the various city and rural school districts throughout the state.²⁶

The State Program of Supervision

One of the major features of centralizing education in Utah, as it has developed throughout the history of education in the State, is the state program of supervision. An examination of the early school reports discloses the fact that supervision from the chief school officer has existed from an early date. Many of these reports clearly indicate his interest and efforts in this activity. In 1868 he reported:

The Superintendent has taken much pleasure in visiting and inspecting the schools in most of the leading counties of the Territory. While on these visits he has enjoyed many opportunities of advising with county superintendents and trustees, and is happy to note that unanimity generally characterizes the efforts of the school authorities. He has also enjoyed many opportunities of introducing and canvassing the subject of education before the people, and feels conscious that his feeble efforts in that direction will bring forth fruit which will be productive of good to our school interests.²⁷

The biennial report of 1872-73 contains a note on his visiting the various schools throughout several counties as follows:

The Superintendent in 1872 visited many of the counties, and during the year 1873 nearly all the counties in the Territory; and counseled with the county superintendents, school trustees and teachers, in relation to the educational interests of their respective districts, and delivered addresses wherever opportunity presented, on educational and kindred

²⁶Biennial Report of the Superintendent of Public Instruction, 1915-16, p. 37.

²⁷School Report of the Territory of Utah, 1868, p. 3.

subjects.²⁸

This policy of visiting schools had grown to such an extent by 1878 that the superintendent engaged a number of educators to assist him. His report for 1878-79 gives an account of his "travels" to nine different counties. It asserts that he had two prominent educators go to eight other counties. Of their work the report states:

They personally visited several of the schools, in the various wards and settlements; also conversed with the county superintendents, many of the trustees, teachers and leading men generally, upon the proper education of children, training of teachers, conducting schools, building schoolhouses, proper reports, etc., etc. They held some sixty meetings and traveled thirty-nine days.²⁹

The superintendent reported that during the summer and autumn of 1878, he enlisted the services of two additional men who were "ardent promoters of education." These men reported they "spent one hundred days, traveled over eighteen hundred miles, and held one hundred and fifteen meetings."³⁰ Still others traveling alone and in pairs were sent throughout the Territory on these educational tours of inspection and educational instructions. One such report follows:

In compliance with your request and appointment we visited and examined the schools of (five counties). Our plan of procedure on entering each county was, first, to submit ourselves to the school superintendent, and acquaint him with the character and object of our commission. . . . Second . . . we proceeded to examine such schools as were in session.³¹

The progress of the pupils and the ability of the teachers was noted. Demonstrations of teaching procedures were exhibited as a part of the supervisory program of these school representatives. Their report continues:

At other times we would conduct classes ourselves, sometimes with the object of determining how thorough had been the instruction given, and at other times for the purpose of making a little knowledge and advise to the teacher as to method of instruction better than those he had adopted.³²

These proponents of education reported that they held conferences with the teachers and with the trustees and advised

p. 7. ²⁸Biennial School Report, Territory of Utah, 1872-73,

p. 6. ²⁹Biennial School Report, Territory of Utah, 1878-79,

³⁰Ibid.

³¹Ibid.

³²Ibid.

them in relation to school procedure. They, likewise, reported that many meetings were held with the public in which educational topics were discussed.

In his biennial report of 1882-83 the territorial superintendent continued to report his travels to the local school districts and his efforts toward increasing desirable public relations:

I have personally travelled through most of the counties of the Territory, and visited many of the district schools; have also consulted freely with the county superintendents and other school officials, and addressed public assemblies pertaining to district school, as opportunities have permitted.³³

In this same report the superintendent further said

I did all in my power to advance the cause of education by conversation and consultation with school officers, and in holding public meetings, visiting school houses, and imparting such instructions as to the necessities and requirements of our school interests, as were deemed proper alike in regard to the grading and manner of conducting schools, proper organization, the employment of suitable and competent teachers, the duties of county superintendents and district trustees, the providing of schoolhouses and furnishing the same with suitable furniture and apparatus in the inside, and with proper surroundings on the outside.³⁴

The report of 1894-95 contained an account of the superintendent's supervisory visits throughout the Territory. He declared he had visited either personally or "by deputy" all of the counties of the State and in certain cases several visits had been made. The same general procedure of giving educational council to trustees, county superintendents, and teachers, and of holding meetings for the general public, was followed for many years. Considerable satisfaction evidently was taken by the superintendent in this part of his work. He reported, "The results of this experience, which the law requires me to give, have been most gratifying. . . ."³⁵

After Utah became a state this same general tendency of having the superintendent of public instruction make these supervisory visits continued. In 1902 the state superintendent said:

³³Biennial Report of Schools, Territory of Utah, 1882-83,
p. 4.

³⁴Ibid.

³⁵Biennial School Report, Territory of Utah, 1894-95,
p. 5.

During the biennial period just ended, school visits have been made by me or my deputy to all the counties in the State but. . . . [one]. Several of the counties have been visited frequently. These visits have done much to bring the State office in close touch with school officers and patrons and have given an opportunity to become acquainted with the real condition of the schools. While making these school visits, we have given fifty-four addresses before teachers' institutes and have made more than one hundred addresses to school patrons in public meetings. For want of time, we have been compelled to decline invitations on many occasions, particularly at county teachers' conventions.³⁶

Utah has developed a supervisory program from the head of of the state school system downward. It has established local supervision as a part of its minimum standards program for participation in state school funds. In 1924, the state superintendent of public instruction incorporated as a part of his biennial report the following comment which is indicative of the necessity of supervision on all school levels:

Although Utah is fortunate in having comparatively few one and two room rural schools, it has nevertheless many districts that need help in supervision. There are many teachers who need more assistance in measuring their ability and the progress of their pupils than can be given by the superintendent. They need help in classifying pupils and adapting subject matter and materials to the needs of varying degrees of intelligence.

Such service has been provided for the primary grades through a state primary supervisor, whose work has been commendable in every respect. The high schools have also been cared for in this respect. Teachers of pupils in the intermediate grades, however, have not received the same consideration. Yet it is these grades that most of the inexperienced teachers are placed, where direction is needed quite as much as in the lower grades and in high schools. With the view of supplying this help where needed the State Board of Education, upon the recommendation of the State Superintendent, has appointed a grammar grade and a junior high school supervisor. It is hoped that such supervision and direction of the work in the grammar grades and junior high school will take care of many of the problems in these divisions of the school system.³⁷

Summary

Utah has had a superintendent of Territorial and State schools since 1851. This school officer was appointed by the

³⁶Fourth Report of the Superintendent of Public Instruction, State of Utah, 1902, p. 11.

³⁷Fifteenth Report of the Superintendent of Public Instruction of the State of Utah, for the Biennial Period Ending June 30, 1924, pp. 34-35.

University regents and chancellor until 1862. An amendment to the law at that time placed the appointive power in the legislative assembly and required this school official to make his report direct to this body. This law was again amended in 1876, giving the electors of the state the right to elect the superintendent by popular ballot at a general election. This chief school leader of Utah has been an elective officer since that date. Beginning in 1900, the term of office was extended to four years.

Various attempts have been made, but without success, to remove this office from partisan politics and require the state board of education to appoint the superintendent.

The first duty of the superintendent was to work for "uniformity" in schools throughout the Territory. The first school law did not enumerate the specific duties of this officer. Schools in early Utah were under the immediate supervision of three trustees. Because of apparent indifference to their legal school duty on the part of many of these local district officers, the superintendent repeatedly complained to the legislative assembly and urged a reorganization of the schools that would provide for a board of education and give it control over the consolidated school district.

These various superintendents, and especially the first one following statehood, manifested great leadership in their educational program leading toward county consolidation.

The law of 1860, providing for county superintendents, added strength to the office and established a line of authority from the chief school officer of the Territory to the local school district.

By 1890 the legislative assembly had enumerated more in detail the duties of the territorial superintendent. He was "charged with the administration of the system of public instruction" and given "general superintendence of the business relations to district schools of the Territory."³⁸ Other duties were enumerated within this law, such as apportioning territorial school money to the various counties; providing forms, school registers, etc., for school reports; advising with county superintendents, trustees and teachers; interpreting the school law, making a biennial report to the legislature and visiting each county in the Territory at least once in each year.

³⁸Laws of Utah, 1890, ch. 72, sec. 2.

Various reports of the superintendent indicate that these supervisory visits throughout the Territory became a major function of that office. These official visits included inspection of the school building, teaching methods and subject matter content. Moreover, the superintendent manifested genuine educational leadership by frequently meeting with the public and addressing them on problems pertaining to education.

This duty became of sufficient importance that the superintendent called others interested in education to assist him. These assistants went into various counties of the state and carried on a supervisory program, as well as a program for education of the local school officials and the public at large concerning the problems of the schools.

The program of supervision has been one of gradual growth toward central control in Utah, until the law now requires the state superintendent to approve the supervision in each district before certain state funds may be appropriated for school costs.

Various laws have increasingly strengthened the position of the superintendent as an officer of central control by providing for increased school funds from the state treasury and requiring the superintendent to administer these funds.

Teacher-certification and teacher-training requirements have gradually changed from county boards of examination without system or direction to complete control in the state school office under the supervision of the superintendent.

The superintendent is required to make interpretation of the school law. In the course of Utah school history this at times has been a significant duty.

From an early date the superintendent has held a biennial or annual convention of district superintendents. This has afforded an opportunity to give central direction to the entire educational program.

No attempt is made within this chapter to enumerate or analyze all of the acts of the state superintendent that tend to give centralized control to education in the state. Moreover, it cannot be expected, nor would it be desirable, for the legislature to specify each duty for this office. He is the executive of the state board of education and as such he does many things because of his own judgment and discretion. The office has been one of gradual growth from little or no administrative control

ultimately to one of highly centralized control of the entire school program of the state.

CHAPTER VIII

THE TRANSFER OF SCHOOL COSTS TO STATE AND COUNTY SOURCES

Public school costs in the United States have risen from about \$63,000,000.00 in 1870 to \$2,317,000,000.00 in 1930.¹ This is an increase of more than thirty-five hundred per cent. With the collapse of property values following 1929, school officials were unable adequately to support education. Rural school districts with little state support suffered most. During the past decade students of school finance have urged revision of state and federal laws, making possible increased financial support from larger sources. States generally are assuming increased financial responsibility for the support of local schools. Utah has gradually increased the proportion of school cost paid by the state until at present the general state treasury pays approximately forty per cent of the money spent for elementary and secondary education. A discussion of the trend during the time from the first tax laws, in which a meager amount of school revenue was secured from the local school district, to the present, wherein the state plays this important part in financing the schools of Utah, is the purpose of this chapter.

First Local Financial Support of Education

The financing of public education in the early territorial period of Utah was essentially a local problem. In that period there was not an organization that could be thought of as a "system" of schools. As early as 1851 several cities (or towns) were incorporated and the city council was given authority "to establish, support, and regulate common schools."² In the same

¹Research Bulletin of the N.E.A., Vol. XVI, No. 3 (May, 1938), p. 131.

²"An Ordinance to Incorporate Great Salt Lake City," Laws and Ordinance of the State of Deseret, 1851 compilation, p. 11.

year a superintendent of common schools for the Territory was appointed. In 1852 small school districts were established throughout the Territory, with three trustees who were given "power to assess and collect a tax upon all taxable property in said district, for the purpose of building and keeping in repair suitable school houses."³ With the passage of this law an organized system of education in Utah was projected.

At this early date the legislative assembly was aware of the problem of financing schools on a basis other than local taxation. On March 3, and again on March 6, 1852, the assembly sent memorials to the United States Congress asking for school lands and money "to be invested by your memorialists in some productive fund, the proceeds of which shall be forever applied by the Legislature of said Territory, to the use and support of schools."⁴

The earliest account of the Territorial legislative assembly making an appropriation for the establishment of a school was in 1855. At that time the assembly passed "An Act Appropriating Money for Educational Purposes." This act provided for the sum of two thousand five hundred dollars to be "appropriated for building an academy." The governor was authorized to select a site, provide plans and authorize "an agent to erect said building."⁵ This academy did not, however, become a part of the public school system.

The limited amount of financial support was entirely local for some time to come. The law of 1854 made minor revision of the law of 1852. The tax rate in the newer law was to be "at such rate per cent as may be decided upon by vote of the district meeting."⁶ The trustees had the entire responsibility of assessing, collecting, and expending the money. The expenditures indicated in the law were for buildings, furnishings and fuel. In the 1854 law, requirement was made of the trustees to report "to the board of examination in their respective counties, of their official doings, together with the amount of funds collected and

³Acts, Resolutions and Memorials, Passed by the First Annual and Special Sessions of the Legislative Assembly of the Territory of Utah, sec. 4, pp. 97-98.

⁴Ibid., pp. 229-30. ⁵Ibid., secs. 1-2, pp. 275-76.

⁶Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah, 1854, ch. 94, sec. 3.

how expended up to the first of said month."⁷ This law is the first indication of any centralized control of school finance. In this case, not the state as yet, but the board of examination of the various counties had at least a limited amount of supervision. The incorporated cities were likewise required to report the funds collected and expended to the county board of examiners.

County Superintendent and Superintendent of Common
Schools Administer School Finance

A significant law was passed in 1860 providing a better organization for the schools and giving the State increased responsibility for the supervision of the school finance. At that time provision was made for the election of a county superintendent of schools. His duties included "all business matters connected with the public school domain within his jurisdiction."⁸ He was also required "To keep a correct account with the county treasurer, and also with the trustees of school districts, of all funds received or disbursed for school purposes."⁹ He was "to make an annual report to the Territorial superintendent of common schools stating the particulars contained in the trustees' and teachers' reports." Among other items listed in this first report are such as "amount of building funds raised" and "amount of public funds appropriated to the use of schools and from where derived."¹⁰

The law of 1862 again emphasized the duty of the county superintendent in recording "every official return made to them by school teachers, and keep the same in their offices subject to the inspection of the Territorial Superintendent." The same law made provision for the territorial superintendent to issue warrants on the territorial treasurer to defray the cost "of such records as were provided by the Territorial Superintendent to the County Superintendent."¹¹

⁷Ibid., sec. 4.

⁸Acts, Resolutions and Memorials, Passed by the Legislative Assembly of the Territory of Utah, During the Ninth Annual Session, ch. vi, sec. 3.

⁹Ibid. ¹⁰Ibid., secs. 3-6.

¹¹Acts, Resolutions and Memorials, Passed by the Legislative Assembly of the Territory of Utah During the Eleventh Annual Session, 1862.

In 1864 the legislative assembly "authorized, empowered and required" the superintendent of common schools "to proceed against all delinquent parties on their bonds, who did not annually pay the percentage to common schools required by the provisions of their charters or grants." It became his duty by this law to "pay over all moneys [thus] obtained to the Territorial Treasurer, and report his doings annually, to the Legislative Assembly."¹²

No indication had been made that school tax money could be used to pay teachers until the law of 1865. At that time the legislative assembly passed a permissive law stating, "Each school district may, by a two-third vote of the tax payers of the district, assess and collect a tax not to exceed two per cent for the purpose of assisting to pay qualified school teachers, and to provide suitable books."¹³

The law of 1865 was amended in 1866. The trustees could assess and collect a tax on all tangible property "not exceeding one-fourth of one per cent." If additional revenue were needed not "exceeding three per cent," the question might "be decided by a vote of two-thirds of the tax payers at a meeting called for that purpose, and by a similar vote a tax may be assessed and collected, of any sum not exceeding one per cent per annum, to pay teachers and furnish fuel, books, maps and other suitable articles for school purposes."¹⁴

That relatively little tax money for school purposes was expended at this time, may be concluded from the territorial superintendent's report of 1866. Therein he says:

Tuition fees range from four to ten dollars per quarter per pupil for teaching the common English branches.

School houses have been generally built by voluntary contribution.

But few districts, if any, have assessed a tax for the

¹²Acts, Resolutions and Memorials, Passed by the Legislative Assembly of the Territory of Utah, During the Thirteenth Annual Session, 1865, ch. 130, secs. 1-2.

¹³Acts, Resolutions and Memorials, Passed by the Legislative Assembly of the Territory of Utah, During the Fourteenth Annual Session, 1865, sec. 12.

¹⁴Acts, Resolutions and Memorials, Passed by the Legislative Assembly of the Territory of Utah, During the Fifteenth Annual Session, 1866, sec. 7.

purpose of paying teachers.¹⁵

By 1870 the problem of paying teachers from tax-collected money had begun to change. In his report of that year to the legislative assembly the superintendent said:

Many of the districts are paying their teachers by taxation, and think it an improvement upon the system of teachers collecting their pay directly from the parents of the school.¹⁶

Teachers were evidently poorly trained and poorly paid. As early as 1863, and again in 1865, the superintendent of common schools asked for a territorial appropriation to assist in defraying the tuition expenses for increased training of a limited number of "pupils" who would become teachers.

Early Territorial Aid to Education

Records indicate that no exact appropriation comparable to that which later developed existed at this early date. Indication is made, however, that territorial funds were used for educational purposes. In 1868 the legislative assembly passed an act defining "common schools" and stating that these were "entitled to a just and equitable proportion of any public school fund, arising from the General Government or by legislative enactment of the Territory." The same law required the superintendent of common schools to "give bonds with approved security, in the sum of ten thousand dollars" before receiving or disbursing any public school fund." Elsewhere the same law states:

It shall be the duty of the Territorial Treasurer to report to the Territorial Superintendent of Common Schools, on the first of December annually, the amounts received for school purposes.¹⁷

Reports from county superintendents on "the amount of moneys received and how disbursed" were to be a part of the report to the legislature from the superintendent of common schools.

In 1863 the territorial superintendent recommended to the legislature

that an annual appropriation be made to any city or cities which shall maintain a free school or schools wherein the

¹⁵ Journal of Legislative Assembly, 1866-67, p. 157.

¹⁶ Ibid., 1870, p. 194.

¹⁷ Acts, Resolutions and Memorials, Passed and Adopted During the Seventeenth Annual Session of the Legislative Assembly of the Territory of Utah, 1868, ch. xxii, sec. 7.

children of the poor may be educated gratuitously.
 [The] territorial appropriation [was] not to exceed one third
 the expenses of maintaining such school or schools, leaving
 the counties and cities to furnish respectively the other
 two-thirds.¹⁸

The superintendent repeatedly showed great concern because of not having received any government land as a source of aid to education. In 1867 he said, "There has not been the first dollar or acre of land realized to promote the education of our youth from government lands."¹⁹

In the annual report to the legislative assembly in 1871 the superintendent recommended the advisability of increasing the territorial tax

one-fourth of one per cent and that this amount be appropriated for the use of common schools, also that it be enacted that the tax collected by the counties from railroads, and the licenses by cities from banks inure to the school fund. And it is further submitted whether the school fund is not the more proper to receive all fines, forfeitures and escheats.²⁰

In 1874 the legislative assembly passed a bill in which a minimum program was established and thereby allowed the various school districts to participate in a newly established territorial school fund. A grant was made which provided that "fifteen thousand dollars yearly for the next two years, be and the same is hereby appropriated out of any moneys not otherwise appropriated for the use and benefit of common schools of this Territory."²¹

A school census enumeration had become a law as early as 1866. The 1874 law required the territorial superintendent "to make a pro rata dividend of school money to the various school districts of the Territory, according to the number of all the children in the districts between the ages of four and sixteen years." The trustees were required to maintain "a good school at least three months in each year in order to receive funds from the Territory."²²

It became the duty of the territorial superintendent to

¹⁸Journal of Legislative Assembly, 1864-65, p. 171.

¹⁹Superintendent's Report, 1867, p. 7.

²⁰Territorial School Report, 1871, p. 1.

²¹"An Act Appropriating Money for School Purposes," Laws of the Territory of Utah, 1874, sec. 1.

²²Ibid., secs. 3-4.

report to the territorial auditor "the amount allotted to each county," whose duty in turn it became to issue a warrant to the county treasurer for "such money as shall have been placed to the credit of the county." The treasurer was required to "hold such money in their treasury subject to the order of the county superintendent for payment to district trustees . . . and such money shall only be used in payment of teachers."²³

This action on the part of the legislative body in which general territorial funds were appropriated to the various school districts and requiring a "good school" to be held for a minimum of time, and stipulating what the money must be spent for, became a significant step toward centralizing the financial part of the educational program directly under the immediate supervision of the legislature and the territorial superintendent.

The most significant feature of this law as reported by the territorial superintendent (1874-75), was the penalty attached in requiring school to be held for three months or depriving the school trustees from using the money. This law, he said, "has accomplished much good."²⁴ This was the first law of this kind passed in the Territory.

The territorial governor in his message to the legislative assembly in 1876 declared, "The system [of education] is too limited, and the money appropriated inadequate to the public necessities."²⁵ He criticized the legislative assembly for leaving "it discretionary, with the various counties" to say whether they would or would not have schools. In his opinion, education was very essential and yet dependent upon financial support from other than local districts. Extending his opinion for increased school finance with increased restriction for an improved school program he said,

It is hoped the time is not remote when Congress will see to it that some uniform system of free schools is established in all the states and territories, and make regular attendance of children for a sufficient portion of each year to ensure a respectable education, obligatory on the part of parents and guardians.²⁶

²³Ibid., secs. 1-8.

²⁴Territorial Superintendent's Report, 1874-75, p. 15.

²⁵"Governor's Message," Journal of Legislative Assembly of the Territory of Utah, 1876, p. 29.

²⁶Ibid., p. 29.

Territorial Aid to Schools Gradually Increased

The amount of money appropriated from general territorial funds for school purposes increased from time to time. The legislative assembly in 1876 passed an act appropriating twenty-five thousand dollars annually "for the use of schools in this Territory." Twenty thousand of this amount was to "be for the use of district schools" and limited to the paying of school teachers "according to the average daily attendance of pupils." The remaining five thousand dollars was to be used by the University chancellor and board of regents, "provided, that forty pupils annually shall be instructed free of charge . . . for one year in the normal department of said university."²⁷

Additional funds, other than that specified in the 1876 law, were to be spent by the Territory beginning with a three mill tax levy passed in 1878. The territorial superintendent reported to the legislature in 1879 that "the total amount of school tax for the year 1879, as per statement of the Territorial auditor, is \$67,939.35 of which sum, \$66,365.10 has been allotted to the several counties."²⁸ He further reported "the average amount of the Territorial allotment per year for the past two years is \$65,106.35."²⁹

This approximate amount of revenue based as it was on a three mill levy remained at this amount for some time to come. The territorial superintendent reported a net of \$63,041.60 was allocated to the various counties in 1880, and "a net revenue standing to the credit of public schools of \$67,043.78 for the year" 1881.³⁰

The County as a Larger Unit Began Financial Assistance

The county as a unit gradually assumed a more important part in levying, assessing and collecting school taxes. At first the trustees, with the approval of the people, made decisions as

²⁷"An Act Providing for the Establishment and Support of District Schools, and for other Purposes," Laws of the Territory of Utah, 1876, sec. 20.

²⁸Territorial School Report, 1878-79, p. 11. ²⁹Ibid.

³⁰Territorial Biennial School Report, 1880-81, p. 8.

to what the levy would be. The first law provided that "the trustees shall assess and collect a tax."³¹ By 1884 "the county assessors and collectors of the several counties of the Territory . . . [were] constituted the assessors and collectors of the district school taxes."³² This law was again amended in 1890 in such a way that the county superintendent was required to furnish the county court in writing an estimate of the amount of school funds needed for the ensuing school year. The county court was then required to make a levy of "county school tax sufficient to raise the amount reported by the county superintendent."³³ The county treasurer was required to receive and hold the funds in separate allocations for the various school districts and subject to the orders of the county superintendent.

The financial control of school money at the time Utah became a state was vested in the central state government, in the county officers such as commissioners and the county superintendent, and in the local district trustees. The State raised the minimum requirement by decreeing that "No school district shall receive any apportionment of school moneys unless such district shall have maintained a school therein for at least twenty weeks."³⁴ The state appropriation was heretofore based on the school census enumeration and was made upon the order of the state superintendent. The county superintendent was required to apportion the state and county school funds to the various districts of the county according "to the number of school children residing in each district, over six and under eighteen years of age."³⁵

The county superintendent was required to furnish to the board of county commissioners an estimate of the amount of school funds needed for the ensuing school year. The county commissioners then levied, assessed, and collected the tax as other county taxes. These were held separate and subject to the order of the

³¹Acts, Resolutions and Memorials, Passed by the First Annual and Special Session of the Legislative Assembly of the Territory of Utah, sec. 3.

³²Laws of the Territory of Utah, 1884, ch. 30, sec. 3.

³³Laws of the Territory of Utah, 1890, ch. 72, art. 9, sec. 81.

³⁴Laws of the State of Utah, 1896, ch. 130, art. 10, secs. 8-9.

³⁵Ibid., sec. 88.

county superintendent.

The school trustees of the district still retained a certain part of the financial responsibility for operating schools. In case of building, repairing and furnishing a schoolhouse they were authorized to call upon the tax payers of the district to vote a special school tax "not to exceed two per centum of all taxable property in the district."³⁶ All taxes voted by the trustees were to be assessed and collected by the same county officers as in the case of other county taxes. These three units of government, i.e., the state, the county, and the local school district, have participated in school tax administration to the present.

Boards of education in cities, following city consolidation, had somewhat similar but more extensive rights to those of the district trustees in the administration of school finance. The city board was required to prepare a statement each year of the amount of money necessary to operate schools. This included interest, bonded indebtedness and sinking fund in addition to regular "support and maintenance and one mill additional for the purchase of school sites and the erection of new school buildings."³⁷

In 1897 the law was amended, thereby giving city school boards authorization to incur indebtedness in addition to the school taxes for the current year. In order to exceed the anticipated revenue for a given year, the law provided that the proposition had to be submitted to the voters who "shall have paid a property tax in such district or city in the year preceding such election."³⁸

Attitude of Governors Toward School Taxation

Various leading officials of the Territory and the State have consistently advocated better schools, and therewith more tax money with which to support the schools. Territorial and state superintendents have shown considerable leadership in this respect. The governors of Utah likewise have urged free schools and more tax money for school operation. In his message to the

³⁶Ibid., art. 12, sec. 96.

³⁷Laws of Utah, 1892, Art. XV, sec. 152.

³⁸Laws of Utah, 1897, ch. 12, secs. 1-5.

legislative assembly in 1882 the Governor said, "Public schools should be free schools in every sense, and held in schoolhouses built by taxation as now provided, and additional taxation if necessary should be authorized."³⁹

In 1884 the same governor expressed his belief that public schools should be aided by the Federal government:

If there be one duty from the Government to its people higher than all others--besides the preservation of life and property--it is generous aid to the Territories for the education of their children. I favor direct and immediate governmental aid for education purposes.⁴⁰

In 1888 the Governor said to the legislative assembly:

Our present taxation is insufficient to meet our school needs. The Territory can afford more and the tax should be increased.⁴¹

Still another governor addressing the legislative assembly in 1890 declared that there was no subject of "greater importance than that of the public schools." He reminded the legislative body that "it is the bounden duty of the Territory to give to every child the opportunity of receiving a free public education," and further told the law-making body, "This is denied [them] by the existing school laws." He advocated such modification of the law as would increase "progress until the highest standard is reached."⁴²

The legislative assembly in 1890 improved the law as recommended by the governor and he in 1892 told them that "the free public school law passed at the last session [1890] of the Legislature has been universally accepted by the people as a wise and beneficent act."⁴³

³⁹"Governor's Message," Council Journal of the Twenty-Fifth Session of the Legislative Assembly of the Territory of Utah, 1882, p. 31.

⁴⁰"Governor's Message," Council Journal of the Twenty-Sixth Session of the Legislative Assembly of the Territory of Utah, 1884, p. 35.

⁴¹"Governor's Message," Council Journal of the Twenty-Eighth Session of the Legislative Assembly of the Territory of Utah, 1888, pp. 30-31.

⁴²"Governor's Message," Council Journal of the Twenty-Ninth Session of the Legislative Assembly of the Territory of Utah, 1890, p. 26.

⁴³"Governor's Message," Council of House Journals, 1892, p. 10.

The first governor of the State expressed approval of the fact that the Constitution of the State "provided for a complete system of public instruction, from the kindergarten to the university." He expressed a hope that the entire system would remain "free of charge for tuition to every child of the State."⁴⁴ This governor declared "that people from other states are immigrating to Utah with their families in order to afford their children the superior advantages of education furnished by our schools." While he expressed some concern because "the burdens of taxation are bearing down with ever increasing weight upon the people; yet," said he, "there is no tax that the people pay with greater cheerfulness than that which goes in support of the public schools."⁴⁵

Functions of the County in School Finance

Consolidation of schools and the creation of larger units of financial control are but different aspects of the same problem. Laws were enacted providing for city consolidation in 1890; for county consolidation districts of the first class in 1905; and for mandatory county consolidation in 1915. These county school districts were to "receive their pro rata share of any state taxes levied for the support of district schools or any funds that may be realized from any source which . . . are required to be divided pro rata for the benefit of children of school age residing in the State."⁴⁶

In addition to the state funds received the county board of education was required to prepare an estimate of the amount of money necessary for the support and maintenance of schools under their supervision and for the purchase of school sites and erection of school buildings. This estimate was to be certified and submitted to the county officers charged with the assessment and collection of taxes for general county purposes. The "levy [was required to be] uniform on all property within the county." The taxes were collected by the county treasurer who in turn paid them as they were collected to the treasurer of the board. A tax

⁴⁴"Governor's Message," House Journal, 1896, pp. 47-48.

⁴⁵"Governor's Message," Public Documents, 1897-98, pp. 17-

⁴⁶Laws of Utah, 1905, ch. 107, sec. 27.

limitation was placed of "five and one-half mills on the dollar" for the support and maintenance of schools" and "one and one-half mills additional on the dollar in one year, to be used exclusively for the purchase of school sites and the erection of school buildings."⁴⁷

In addition to the county taxes the county board of education could at "the annual school election or at a special election submit to the voters of the district the question of levying a special tax not to exceed two per cent of all taxable property in the district, for one or more years, to buy sites, build and furnish school houses, or improve the school property under its control."⁴⁸

Should the county board of education desire to sell bonds "for the purpose of raising money for purchasing school sites, for building or purchasing schoolhouses, and supplying the same with furniture and necessary apparatus," provision was made in the 1905 law by which this desire could be realized. The county board of education could take the initiative, or when petitioned by a majority of the "resident taxpayers of the school district," was required to call an election in the various school precincts of the district and submit to the taxpayers the question of whether or not bonds should be issued.

Beginning in 1905 and terminating in 1915 there was an increased number of county consolidated school organizations. In this ten year period of time all of the small district school funds ended and such school funds other than those from the state became centrally administered by county boards of education.

Basic State Funds to Education

During the course of statehood Utah has developed four major funds. These are: (1) the "District School Fund," and "Land Interest and Rental Fund,"⁴⁹ (2) "High School Fund," (3) the "Equalization Fund," and (4) "The Uniform School Fund." These will be discussed as the development of the State's financial program came to include them.

The one fund, i.e., the Land Interest and Rental Fund,

⁴⁷Ibid., secs. 27-28.

⁴⁸Ibid., sec. 30.

⁴⁹These two funds have been merged to make one fund, discussed herein as the "twenty-five dollar fund."

was provided for by the State Constitution. Article XI, Section 3 of that document contains the following:

The proceeds of all lands that have been or may be granted by the United States to this state for the support of schools, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the legislature may provide, shall be inviolably appropriated to the support of the public school throughout the state.⁵⁰

In 1897-98 this fund was \$1,637.00. In 1910-11 it had reached \$106,921.00. Its most fruitful year was in 1928-29 when it yielded \$404,137.00.

By 1907 the governor reminded the legislature that school property had "trebled in value" since statehood (1896). "The per capita [cost] is now [1907] over \$21.00 per year." He reminded the legislature that while much had already been done by "the State to render assistance to districts with income too small for efficient support," yet more was needed.

With the growth of high schools after the beginning of the century and not long after the beginning of statehood, problems arose concerning adequate financial support of the schools on this level. In 1908 a proposed constitutional amendment providing for state aid for high schools was submitted to the voters of the State. This proposed amendment failed to pass at the election. The governor in 1909 addressing the legislature expressed regret that this proposed constitutional amendment "failed of passage" and further said, "I therefore recommend that the legislature make provision for submission at the next general election of an amendment to the constitution providing for the extension of state aid to high schools."⁵¹

In keeping with the governor's recommendation, the legislature provided for the amendment to be submitted to the people again. In 1910 the voters of Utah approved this amendment. In his next message to the legislature the same governor said: "It is a source of great satisfaction that the Constitutional Amendment permitting the extension of state aid to high schools was adopted at the recent general election."⁵²

⁵⁰Utah State Constitution, Art. XI, sec. 3.

⁵¹"Governor's Message," Public Documents, State of Utah, 1909, p. 20.

⁵²"Governor's Message," Public Documents, State of Utah, Part I (1909-1910), pp. 8-9.

Minimum Standards

For a number of years before Utah became a State the legislative body had established certain minimum standards that must be adhered to if local districts were to participate in state funds. There was a gradual tendency to raise these standards. In 1890 the minimum requirement was to maintain school for at least twenty weeks. This requirement remained after statehood. In 1909 this part of the law was again amended. The new law called upon the State for increased revenue "where the revenues derived from the state, county and district school tax levies are insufficient to enable school trustees to employ a teacher or teachers for a period of at least twenty-eight weeks." It presupposed, however, that the county commissioners in which the district was located would have formerly made a "school tax levy of four mills, and the school district trustees have levied a district tax of five mills." Under such conditions, if there were not sufficient revenue raised to pay current expenses and to have paid all teachers a minimum of \$450.00 the county superintendent was to report to the state superintendent. Such report when properly made called for enough state money to make payment of at least \$450.00 to each teacher for the school year. The act made provision that no district affected by this law could employ more than one teacher except on the recommendation of the county superintendent of schools. The act likewise called for an appropriation of \$8,000.00 to be made by the state treasury to be used "as may be necessary."⁵³

The State gradually increased educational standards by requiring these various features of its educational program to be definitely tied up with its financial aid. In 1913 the minimum salary was raised to \$525.00 per teacher. In 1917 the legislature amended this part of the law and enacted legislation providing:

There shall be paid out of any moneys in the State treasury not otherwise appropriated a sum sufficient to make the amount available for the payment of elementary school teachers in such district or districts average[ing] \$600.00 for each elementary school teacher for the school year.⁵⁴

⁵³Laws of Utah, 1909, ch. 8, secs. 1-2.

⁵⁴Laws of Utah, 1917, ch. 77, sec. 2.

It required first, that a maximum school levy be made within school district. Thereafter, if this fund and the combined state and county funds were insufficient, state aid may be given. It established the minimum length of the school year as thirty-two weeks and made the number of teachers employed in the district subject to the approval of the board of education. It further made provision that the amount of state money so appropriated may not exceed \$20,000.00. Should the amount needed be in excess of \$20,000.00 the state board of education was authorized to "make a pro rata distribution of said fund to the districts entitled to differential aid."⁵⁵

The law was again amended by the legislature in 1919, when an act was passed directing the State to raise for each of the next fiscal years \$2,000,000.00 upon the taxable property of the State. To achieve this there was ordered "an ad valorem tax of 2.4 mills on each dollar of taxable property in the State, or such portion of said tax as the state board of equalization may find necessary to raise the sum set forth for each of said years."⁵⁶

The State High School Fund

As already indicated the degree of financial control on the part of the State has not been the same for the elementary and secondary schools. In 1911 the legislature passed an "ad valorem tax of one-half mill on each dollar in value of all taxable property in the State" was levied.⁵⁷ The amount of the levy for district school purposes varied some from one legislative session to the next. In the main, and by comparison with recent trends, it was small until 1921. As indicated, it was three mills for district school purposes in 1911. In 1915 it was two and two-tenths mills. Similarly, the amount of State levy for high-school purposes varied from time to time and was not a permanent fund until 1911. The legislature in 1915 passed an act authorizing and directing the state board of equalization "to levy annually a state tax of not more than two-tenths of one mill on each dollar of valuation of the taxable property in the State

⁵⁵Ibid. ⁵⁶Laws of Utah, 1919, ch. 118, secs. 1-2.

⁵⁷Laws of Utah, 1911, ch. 92, secs. 2-3.

for high-school purposes."⁵⁸ This tax remained a permanent part of the state school fund. The school year of 1915-16 was the first to receive its benefits. At that time the high-school fund amounted to \$100,998.00. In 1933-34 it amounted to \$85,095.00. In 1922-23 it was \$81,973.00, which was the smallest amount since the law was passed. The largest amount was in 1923-24 when it was \$166,004.00. From the facts stated it is clear that in total amount the fund in a given year was over two hundred per cent more than it was in another given year. The high-school fund has not only varied considerably in total amount but likewise it has varied considerably on a per capita basis. During recent years the assessed valuation of the tangible property upon which it is based has materially decreased, and at the same time the number of students has been on the increase. In 1916, \$9.93 per capita for high-school students was received from this fund; in 1934 this amount had dropped to \$2.05 per capita; in 1921 the assessed valuation in Utah was \$5,272.00 per census child, and in 1933 this amount had decreased to \$3,511.00 per census child. At the close of the school year of 1921-22 there were 1,674 high-school students graduated from high schools in Utah. At the close of the school year of 1933-34 there were 6,689 graduates.

The relative importance in numbers of high-school students drawing upon the high-school fund may be noted from the fact that in 1917-18, 90.84 per cent of the total enrollment were in grades one to eight and 9.16 per cent were in grades nine to twelve, inclusive. In 1937-38, 69.67 per cent of the total were in grades one to eight and 30.33 per cent were in grades nine to twelve, inclusive.

The 1915 high-school fund law prescribed certain features of a minimum program. Local boards of education were required to report to the state board of education "the actual number of students enrolled in . . . high school" together with the number of high-school students estimated to be in attendance during the current school year "for at least twenty weeks."⁵⁹ At the termination of the fiscal year, boards of education were required to report the number enrolled "who have been in actual attendance in such high school for a period of at least twenty weeks, to-

⁵⁸Laws of Utah, 1915, ch. 111, sec. 2.

⁵⁹Ibid., ch. 110, sec. 4.

gether with the daily average attendance" of students during the school year. Accompanying this report the local board of education was required to "give such additional information as the state board of education may require in order to enable it to determine the standard of the school." The law further made provision that the state board of education "shall apportion [money] to the several cities and school districts maintaining high schools of the standard fixed by the state board of education." Seventy per cent of the amount of money then on hand was to be paid in January after the state board has received the January reports from local boards of education. The balance, i.e., thirty per cent as a final apportionment was to be issued after the June report.⁶⁰

The state superintendent of public instruction states in his biennial report of 1913-14 the following minimum standards that must be met by a high school to benefit from State funds:

1. Each school shall provide adequate equipment for the courses which it offers.
2. Each school shall be maintained at least thirty-six weeks per year, including holidays.
3. Each school shall give at least two years of work as set forth in the course of study.
4. Schools giving a four year course shall require of their students at least fifteen units of credit for graduation.
5. All students shall carry with a passing standard at least three units a year.
6. Teachers shall hold state high school diplomas or state high school certificates issued by the Utah State Board of Education.
7. To be eligible to enter the public high school, students shall give satisfactory evidence of having completed a standard elementary education.⁶¹

The State's control over high schools receiving funds appropriated for educational purposes was increased by an act passed in 1921 in which the legislature made it mandatory for the state superintendent to have high schools inspected "at least once during each school year" if they were claiming any benefits "from the high-school fund."⁶²

⁶⁰Ibid., secs. 4, 5, 6.

⁶¹Biennial Report of the State Superintendent of Public Instruction of Utah, 1913-14, pp. 24-25.

⁶²Laws of Utah, 1921, ch. 99, sec. 1.

The state high-school fund, in which the state board of education issued to local school boards a given sum of money on condition the local boards would conform to the requirements of the standards prescribed by the state board, is a significant factor in central control of education in Utah.

The prescribed minimum program included the course of study and equipment, as well as approval of teaching personnel. A full-time high-school inspector was employed to assure the state board that schools participating in the fund, met the prescribed requirements.

The "Twenty-Five Dollar Per Capita" State Fund

One major justification for centralizing school organization into large units, both within the county and the state is to relieve the small, and frequently poor school district from excessive tax burden. This was used as an argument by the proponents of county consolidation in Utah. However, it became obvious following the enactment of the mandatory law that certain counties were unable to support an approved school program. The 1915 law provided for a state levy of but 2.2 mills "on the taxable property for district school purposes."⁶³ Leaders in education launched an active program for increased state aid to education in 1918. The superintendent declared:

It is well known that the children of Utah have not at the present time equal opportunity for an education. It is known too that in many cases it is necessary for the taxing authority of the district to levy twice as heavy a tax for school purposes as other districts, and even then they are not able to provide equal opportunity. There is but one way to correct this condition and that is for the state to provide sufficient money to pay all teachers' salaries and then we could hold all schools to the same standards as to length of school year, qualification of teachers, grade instruction, etc.⁶⁴

Elsewhere within the same report he advocated increased state aid:

There is little question in the minds of the best informed students of this problem but that there should be larger amounts distributed by the state to the several constituted districts. If, by suitable legislation, the amount now appro-

⁶³Laws of Utah, ch. 111, sec. 1.

⁶⁴Biennial Report of the Superintendent of Public Instruction of the State of Utah, 1917-18, p. 10.

propriated by the state could be doubled, it would be consistent with the best procedure. This should be done either by direct appropriation or by such modification of our constitution as will make it possible to increase the present school fund.⁶⁵

The next legislature made provision to submit to the people the issue of amending the State Constitution so that \$25.00 per census enumerated child would be paid from general state funds to local boards of education. The people approved the amendment. Provision was made for the first allocations to be made in 1921.

Following the approval of the amendment by the people the state superintendent presented its purported benefits to the legislature as follows:

The substantial majority by which the constitutional amendment passed at the recent election is an emphatic request for such legislation as will give from the State to each district the proposed \$25.00 for each child enumerated in the school census. This will provide from the state fund most of the money needed to pay the salaries of teachers, leaving the local unit to furnish buildings, grounds, equipment, and ordinary maintenance. For the last two years communities throughout the State have been looking forward to this change, and in anticipation of the larger state support have approved excessive local taxes as a temporary means of keeping their schools going. These communities cannot be expected to continue their high district taxes. If their schools keep up to the standard, therefore, the burden of school taxation⁶⁶ must be more nearly equalized as proposed by the amendment.

This constitutional amendment providing \$25.00 for each school child was a great boon to education in Utah. In 1896-97 the total state fund was only \$317,099.00. By 1916-17 this state fund was \$1,129,343.00. However, with the increased amount resulting from the amendment it became \$3,160,289.00 in 1923-24.

In spite of the fact that the Constitution apparently makes the payment of the fund mandatory, the full payment has not until recent years been made. Two of the city school systems brought action against the State to collect the full amount but the supreme court ruled the amount need not be paid.

In 1935 the legislature passed an act making provision for any deficiency in the so-called \$25.00 fund to be paid from the sales tax. In 1939 the legislature "ear-marked" the sales

⁶⁵Ibid., pp. 126-27.

⁶⁶Biennial Report of the Superintendent of Public Instruction of Utah, 1919-1920, p. 77.

tax to other sources but added other tax revenue to supplant the sales tax if necessary.

The State Equalization Fund

Students of educational finance in Utah have long recognized inequalities among the various school districts to support education. In 1924 the state superintendent said:

I recommend that the Legislature provide for a small appropriation from the General State Fund to be used in the districts having the smallest funds for the support of their schools. The State Board of Education might be authorized to distribute these funds according to regulation to be prescribed by the Legislature.⁶⁷

A State survey of education was made in Utah in 1926 under the supervision of Commissioner John T. Tigert. This survey commission made a detailed study of the inequalities of education in eight school districts in Utah. The study included the three most wealthy districts, the three poorest districts, and two districts of average wealth. At that time the assessed valuation per child, six to eighteen years of age, varied from \$9,404.00 to \$1,409.00. The estimated true valuation per child varied from \$15,448.00 to \$2,653.00.⁶⁸ These inequalities in Utah continue to exist. In his biennial report of 1936-38 the state superintendent reports the most wealthy district in the State as having an assessed valuation per census child in 1937 of \$11,268.59 and the poorest district \$1,011.02.⁶⁹ Such facts and figures have repeatedly been published and the attention of the public called thereto.

As a result of the inequalities existing and the program sponsored by those interested in the educational welfare of the children of the State, the legislature passed in 1931 an "act creating and defining a uniform program of public school education in the State of Utah, creating a state equalization fund and providing for the apportionment of any revenue made available for

⁶⁷Biennial Report of the Superintendent of Public Instruction of Utah, 1923-24, p. 110.

⁶⁸Survey of Education in Utah, p. 19. Bulletin No. 18. United States Department of the Interior, Bureau of Education, 1926.

⁶⁹Utah School Report, 1936-38, p. 96.

an equalization fund."⁷⁰

With the passage of this act a new minimum educational program was established. Each district of the State was required to maintain school for a minimum of nine months of time. Teachers must all be legally certified. Transportation must be provided to and from school for all pupils living more than two and one-half miles from school. General supervision as approved by the state board of education, including supervision of elementary education by the local school districts, but providing for possible employment of a supervisor or supervisors by two or more districts must be installed in all districts. Local boards of education were required to provide "for educational supplies and equipment in such proportionate amounts as will provide for efficient instruction, the proportionate amount to be expended for such purposes to be determined by the State Board of Education." Provision for health inspection and instruction "and such other factors as are prescribed by law,"⁷¹ were included as a part of the minimum program required for participation in this fund.

The state board of education was given full power of administering the fund and of determining whether or not the districts were complying to established standards. The law provides that, "Districts not approved by the State board of education . . . shall not participate in the equalization fund."⁷²

The state tax commission was authorized and directed to levy annually a state tax for equalization purposes that would raise an amount which equals "as near[ly] as may be \$1.00 for the school year 1932-33, \$2.00 for the school year 1933-34, \$3.00 for the school year 1934-35, \$4.00 for the school year 1935-36, and \$5.00 for each school year thereafter" for each census enumerated child of the preceding year.⁷³

The law includes the formula by which the money is to be distributed. As indicated above, five years were required for the equalization fund to reach its maximum. It began with \$1.00 per child in 1932-33. In 1934-35 there was apportioned \$444,866, and in 1935-36, \$587,194.21. The following year in which it reached the full \$5.00 there was apportioned \$728,049.21 among

⁷⁰Laws of Utah, 1931, ch. 57.

⁷¹Laws of Utah, 1931, ch. 57, sec. 1.

⁷²Ibid., sec. 2.

⁷³Ibid., sec. 3.

the several school districts. Providing the census enumeration remains relatively constant, this amount should be about the same from year to year. The second year after the full quota was reached there was apportioned \$727,615.00 from the equalization fund.

Four of the forty school districts in the State did not participate in this equalization fund during the school years of 1936-37, and 1937-38. These four districts have the largest per capita wealth in the State. On the other hand, some of the districts have received over \$12.00 per year or near two and one-half times the \$5.00 basis.

An attempt has been made in this chapter to trace the tendency that has gradually evolved for the state to assume a greater responsibility of the financial burden for the educational program. In 1933-34 the State paid 36.48 per cent and the local districts paid 49.31 per cent of the total cost. A small amount of federal aid and funds from other sources made up the difference. By 1937-38 both the state and the local districts had increased these percentages to 38.2 and 55.04, respectively.

The Uniform School Fund

The trend towards state aid for education in Utah definitely continues. The maximum amount of the \$5.00 equalization fee was scarcely realized until leaders in education began urging that the Constitution be amended and provision be made for increased financial assistance from the State for educational purposes. The legislature of 1937 passed a "joint resolution" in which provision was made to submit to the voters of the State the proposition of again amending the State Constitution, thereby providing increased revenue from state sources.⁷⁴

A majority of the voters again favored amending the Constitution, thus increasing state aid to the educational program. The amendment created a new fund known as the "Uniform School Fund." This fund does not alter the other school funds. It does indirectly affect them without changing their several amounts in that it transfers the interest on the permanent school fund, which was heretofore allocated to the \$25.00 district school fund, to the new uniform school fund. It provides that the proceeds of

⁷⁴Laws of the State of Utah, 1937, pp. 284-85.

TABLE 3

DEVELOPMENT OF STATE SCHOOL FUNDS IN UTAH SINCE 1915*

Year	District School Fund	Land Interest and Rental Fund	High School Fund	Equalization Fund	Uniform School Fund	Total
1915-16	686,892	196,469	.....	.....	.....	883,361
1916-17	1,129,343	215,712	100,998	.....	.....	1,446,053
1917-18	1,382,767	201,134	91,240	.....	.....	1,675,141
1918-19	1,883,022	242,797	141,215	.....	.....	2,260,034
1919-20	1,586,094	262,846	130,216	.....	.....	1,979,156
1920-21	2,682,137	272,678	115,204	.....	.....	3,070,019
1921-22	2,841,035	286,590	142,872	.....	.....	3,270,497
1922-23	2,682,137	247,019	81,973	.....	.....	3,011,129
1923-24	3,160,289	286,521	166,004	.....	.....	3,612,814
1924-25	3,013,447	368,166	161,291	.....	.....	3,542,904
1925-26	3,123,967	292,607	91,806	.....	.....	3,508,380
1926-27	3,205,840	267,858	127,974	.....	.....	3,701,672
1927-28	3,265,948	322,137	140,708	.....	.....	3,728,793
1928-29	3,221,508	404,137	139,389	.....	.....	3,765,034
1929-30	3,229,433	298,913	127,664	.....	.....	3,656,010
1930-31	3,252,208	303,421	134,294	.....	.....	3,689,922
1931-32	2,952,801	253,733	106,651	.....	.....	3,313,185
1932-33	2,929,889	158,733	96,245	109,113	.....	3,293,980
1933-34	3,042,478	169,938	85,095	238,095	.....	3,535,606
1934-35	3,452,980	219,701	86,227	439,614	.....	4,198,522
1935-36	3,465,475	164,146	92,867	587,194	.....	4,300,682
1936-37	3,418,167	182,013	96,369	721,418	.....	4,418,166
1937-38	3,402,034	198,366	114,910	727,615	.....	4,442,995
1938-39	3,478,081	95,789	112,904	722,315	.....	4,409,189
1939-40	3,548,990	.....	100,661	717,685	215,111	4,582,547

*The several State Superintendents' School Reports for the State of Utah.

unclaimed shares and dividends in corporations of Utah, that income from escheats and forfeitures, and that the proceeds of sales of timber and minerals from state and school lands shall be diverted into the new fund. This fund differs from the others in that it does not specify any exact amount to be paid to the schools.

The amendment to the Constitution was necessary because of the fact that the Constitution had placed limitation on tax revenue. This was done at a time when the property tax was the only legalized source of current revenue for school operation.

Without this amendment the legislature could not have made any additional appropriations for educational purposes.

The legislature was given the responsibility of providing ways and means of administering the new fund. The 1939 legislature passed an act providing for the allocation of this fund which has certain features of both the district school fund based on a stipulated sum of money paid upon a school census basis, and the equalization fund. In other words, each district, regardless of wealth, receives a minimum from this fund, but the poorer districts profit greatest therefrom. The trend of increase in state school funds since 1915 may be noted in Table 3 (see page 141).

Summary

This chapter traces the tendency that has existed throughout the Territory and thence the State of Utah to increase both the amount and the percentage of school revenue coming from state sources. The various state allocations have been based on the various statutes as passed from year to year and the Constitution with certain amendments thereto.

Financing the educational program in the earliest public schools of Utah was distinctly a local responsibility. A county superintendent of schools was appointed in 1860, who was given certain administrative and supervisory duties pertaining to the schools. Gradually his status in the financial program was strengthened and he was given responsibility for the business affairs of the schools. When territorial aid began and as it increased, the county superintendent had responsibilities in distributing the territorial funds.

The county as a unit of government came to play a more important part in financing the school program. It became a unit for taxation for schools in which county officers were used to assess and collect school taxes. County consolidation began in 1905 and was completed in 1915. With county consolidation the county became the smallest taxing unit for local support to education.

Consolidation of schools in cities of the first and second class was provided for by law in 1890. Cities of these classes have remained the school district and the unit for taxation for local financial support.

More than twenty years before Utah became a state, the

Territory was giving aid from general funds to assist the schools. These funds in number and amount have been gradually increased. The most important funds coming from the state are (1) the fund now known as the \$25.00 fund; (2) the high-school fund; (3) the \$5.00 equalization fund; and (4) the "uniform School Fund."

As the State has increased its financial assistance to education it has likewise increased the requirements made of local school districts. The result of such a program has been increased control on the part of the State of the educational program.

CHAPTER IX

SUMMARY AND CONCLUSIONS

The administration of the public schools of America involves numerous methods of organization. In the main, school districts are the result of a democratic ideology in which the people have expressed a preference for local school control. The public schools are the foundation of democracy and their organization is an expression of this democratic ideal. Students of education have recognized certain problems that are common to the small school district and have urged increased consolidation as a partial solution thereto. Although the trend is toward a decreased number of "one" and "two-teacher" schools, the public responds slowly to relinquishing the small local district once it has become established. A significant challenge is presented in the determination and establishment of that particular size of unit which will retain local interest with a feeling of local ownership and at the same time a unit sufficiently large to provide effective administration. An attempt has been made within this study to indicate and analyze the factors which have influenced educational organization and administration in Utah in becoming highly centralized.

Utah has developed an organization of schools in which the county and the school district are usually coterminous. The State pays forty per cent of the total cost of public elementary and secondary education. For the poorer districts in the State the percentage is much greater. In the course of this development the State has come to give considerable supervision and direction in the educational program.

The first white settlers in the valleys of Utah built and maintained a social solidarity that made possible a high degree of central control in civil, social, and religious activities. Probably no other group of colonizers in America, with the exception of the Calvinists of New England, was so united to a single objective and so completely controlled and directed from a single

source. Persecution from outside the group intensified the feeling of security and satisfaction derived from membership within. Leadership was strengthened when the group found satisfaction in its acts of loyalty. Thus Brigham Young became a leader of renown among his colonists.

Although surrounded by barren wastes of desert and mountain, harassed by savage Indians, and confronted with near-unsurmountable hardships, the Mormons invariably established schools directly after colonies were located. Their leaders taught a theology that tended to exalt the educated man. That church authority as an agency of central control directed the nature of those relatively primitive schools, there can be no doubt. A knowledge of Mormon theology and an ability to read the Bible and other church doctrinal books were major objectives. However, Mormon leaders enthusiastically urged their congregations to seek useful knowledge from all sources.

Education centrally directed may be effectively used as a means of social control. An unusual opportunity presented itself toward the attainment of the goals of Mormon leaders through schools administered by church organization. The first completely organized plan of education was effected while the Mormons were at Nauvoo, Illinois. A charter was granted establishing the University of the City of Nauvoo. A chancellor and a board of regents were given administrative control and through the University their control extended to all other schools within the limits of the Mormon settlements. After the arrival of the Mormons in Utah one of the first laws enacted by the legislative assembly was the establishment of the University of Deseret. The pattern of school organization and administration of the Nauvoo University was re-established in Utah. The chancellor and board of regents were given control of all schools. The University had two phases: it was established as an educational institution, but more important for that time, it was the method of school organization. After two years the institution ceased to exist, but the university as a method of school organization was perpetuated. The chancellor and regents of the University were eminent men in the church, and hence used the University as a servant of the church in directing education.

Centrally controlled education in early Utah is comparable to that of local district control only in the fact that the

schools serve as the agency through which the controlling power may determine the objectives of education. As a means of social control, the method of centralized administration in the Mormon colonies was very effective; while the greatly diffused control now found in many states is effective only in so far as the directing agencies attain a common agreement on the purposes of education.

Schools in the colonies of early Utah possessed two characteristics that are especially significant in this study: (1) they were directed by an agency of the church that likewise controlled all aspects of the social life of the people, and (2) they were established in towns and villages of sufficient magnitude that the local school unit in Utah was never typical of the small district common to the American frontier.

The small district school of New England was the only pattern of school organization known by the first Utah colonists, and while the Church gave general direction to education, the isolation of many colonies necessitated local organization. The county court was required to create school districts within the county, thereby introducing the local school district into Utah.

The county was selected as a unit of civil government at the beginning of Utah history. Its importance has been strengthened during the years that it has been perpetuated. It was used first to create the district schools and more than fifty years later was used to consolidate them. As a unit for school organization the county has met with a relatively high degree of success in several Southern States, in Maryland, and in Utah. The degree of success attained in these states is partially due to the fact that county government has been the recognized unit for local government. The "county seat" is frequently the trade and social center for all residents within the boundaries of the county.

The development of county consolidation of schools in Utah was an attainment in school organization and administration that required the best leadership in the Territory and the State for more than fifty years. Trustees of local districts and petty office-seekers were convincing in their arguments, when they claimed that the relinquishment of local school control was the relinquishment of the right of self government. A series of territorial and state superintendents heroically advocated consolidation. Fortunately, state governors usually approved the superin-

tendent's recommendations and advocated the same message to the legislative assemblies. Experimentation with consolidation in certain cities together with the mandatory law in 1890 for cities of the first and second class did much toward making county consolidation possible in 1905. Additional experimentation in a few counties with the beneficial results therefrom terminated all small school districts in 1915.

The experience of any state in a consolidation program would probably be similar to that of Utah. Utah had the advantage, however, of strong county government and of ecclesiastical "stake" control that were usually coterminous with the county boundary, so that people already had county-wide interests.

While authorities generally advocate a larger school district than exists in many states, they differ in their opinions concerning the desirable size of district. The township organization is criticized because the population is frequently too small for adequate organization and administration; it does not follow community center boundaries, and frequently it makes distinct differences in ability to finance education.

Utah has never been without some centralized control of education. However, a board giving general supervision to public education did not exist until 1896. The state constitution and the statutes at that time made legal provision for this governing body. The specific duty mentioned in the law was that of centralizing teacher certification and problems associated thereto. This problem was the major concern of the state board for several years. The laws that created the board gave it general powers in administration and supervision. Experience was needed before interpretation was given to the term "general supervision." The paramount issue in education at that time was county consolidation, but only through their executive did the board participate extensively in this problem.

With the increased numbers attending high school and an awareness that additional financial aid was necessary from the state, the board began more extensively to control education. Laws were enacted creating a state course of study commission, and a state textbook commission. These commissions provided increased instructional materials in several fields prepared under board supervision for general use throughout the State. New functions were added in the years following 1910. Preparation

and supervision of a state program in health education, a state program of vocational education, including home-making courses, agriculture, and trades courses resulting from the Federal Smith-Hughes Act, all added to the services rendered under the supervision of the state board.

Paralleling the increased functions in instructional services, was the increased control in general supervision resulting from additional financial aid from general state funds. The enactment of a law in 1911 providing for high-school aid and establishing a state board that prescribed a minimum program under a high-school inspector, was a tremendous forward step in centralizing the educational program in the state board of education. From 1911 to the present there has been an increase in the amount and per cent of funds paid from the state school fund, all of which is administered by the state board. Simultaneously, there has been an increase in the control of the educational program. Standards of teacher certification, of supervision, of pupil attendance, of supplies, equipment and buildings, and of the length of the school year have all been established by this central administrative body.

In addition to the control of elementary- and high-school education, Utah has launched a junior-college program during the last decade, and has made the state board the board of education for each of these junior colleges.

The state board has served primarily as a policy-forming and legislative body during its entire history, with the superintendent acting as the executive of the board. He is chairman of the board and chairman of all major committees under board supervision. More than any other individual he is responsible for the educational program of the State. All functionaries associated with the state school staff are under his immediate supervision. Within the limits of the law he controls the state school money, and more than any other individual he is in a position to make an interpretation of school law already enacted as well as influence the legislature in the process of enacting additional school law.

As previously indicated the people of the various states are in a position to determine the kind of organization and administration they prefer. Uncontrollable variables from state to state prevent any conclusion that highly centralized control

is superior under all circumstances to control in which local boards essentially direct the educational program as well as control the finance. It is safe to conclude that where a centralized body, as the county or the state, assumes the financial burden of school cost, it should likewise establish a control through minimum standards for those districts participating in such funds. Such requirements will not prevent local boards of education from exceeding the standards, but will tend to increase the efficiency of the school services and will in instances prevent them from wasting or misappropriating school funds. The minimum program in Utah has undoubtedly increased the efficiency of education in certain school districts. It may also be expected that board members of larger central boards, elected at non-partisan elections or appointed by the governor, will be more capable as a directing agency than those on small district boards.

The increased complexity during this century of the entire school program justifies careful critical thinking in educational policies and practices. The evidence during the decade now closing clearly indicates that local trustees in small districts cannot adequately finance a socially approved educational program. If financial control and direction of education must emanate from the same controlling bodies, the states should continue some program of local consolidation.

Moreover, the recent tendency of the states to increase the amount and per cent of the total school cost may well be continued. State appropriations should be primarily of an equalizing fund, with consideration given for the plane of living and the burden of child care.¹

The trends toward public school centralization in Utah both within the county and the state have greatly enhanced the educational program. How near toward complete state control the administration of schools should go cannot be determined. Utah should objectively study her state school administration before increasing this control now vested in the state board and superintendent. The recent law providing for elected state board members by local boards of education will probably produce a desira-

¹Newton Edwards and Herman G. Richey, The Extent of Equalization Secured Through State School Funds, Staff Study No. 6 of the Advisory Committee on Education. Washington, D.C., 1938.

ble board. However, it appears that increased authority beyond that now given in Utah is not desirable for an elected superintendent on a partisan ticket.

The schools are a social agency used by society to attain a given end. In America we have described that end as a happy useful life in a democratic society. This being the educational goal it would seem that local administrative representatives of the people should still direct the schools. The challenge comes in increasing the size of the local school district to the point where a large administrative unit may be provided, but not beyond the point where people will assume local responsibility and interest.

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